



भारत का राजपत्र

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 8th February, 2019:—

BILL No. 110 OF 2018

A Bill to provide for stringent punishment to curb atrocities against girl child and women, rehabilitation measures for victims of atrocities and constitution of special courts to try cases of atrocities against women and girl child and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Women and Girl Child (Prevention of Atrocities) Act, 2018. Short title and extent.

(2) It extends to the whole of India.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) 'atrocity' includes,—

(i) parading any woman or girl child naked or painting their face or body black or similar acts;

(ii) compelling or enticing any woman or girl child to do *begaar* or bonded labour or any work without payment;

(iii) using one's position to harass any woman or girl child or sexually exploit or insult or intimidate with intention to humiliate publicly;

(iv) taking pictures or video without consent, or forcing any woman or girl child into prostitution;

(c) 'girl child' means any female who has not completed the age of eighteen years;

(d) 'stripping' means forcible removing or tearing of cloth or part thereof worn by a girl child or woman with the intention of exposing the body or any part thereof of such girl child or woman, as the case may be;

(e) 'teasing' includes uttering words, song, making the sound of whistle or gesture, exhibiting any object or part of the body, throwing any object or doing any unwanted act to attract the attention of a girl child or woman;

(2) Words and expressions used herein and not defined in this Act but defined in the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.

Punishment for outraging the modesty of a woman or girl child.

3. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who outrages the modesty of any woman or girl child by stripping them publicly shall be punished with imprisonment which shall not be less than five years but may extend to ten years and with fine which may extend to rupees ten lakh.

45 of 1860.

Punishment for teasing of a woman or girl child.

4. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who teases any woman or girl child shall be punished with imprisonment which shall not be less than three years and with the fine which shall not be less than rupees two lakh but which may extend to rupees five lakh.

45 of 1860.

Punishment for offering any woman or girl child as devdasi or forcing them into prostitution.

5. Notwithstanding anything contained in the Indian Penal Code, 1860, or any other Act, for the time being in force, any person who offers any woman or girl child as *devdasi* or forces them into prostitution shall be punished with imprisonment which shall not be less than three years and with fine which shall not be less than rupees two lakh but which may extend to rupees five lakh.

45 of 1860.

Punishment for committing atrocity on a woman or girl child.

6. Notwithstanding anything contained in the Indian Penal Code, 1860, any person, who commits any atrocity on any woman or girl child at any place and at any point of time shall be punished with imprisonment which shall not be less than five years and with fine which may extend to rupees five lakh.

45 of 1860.

Punishment for committing rape on a woman or girl child.

7. Notwithstanding anything contained in the Indian Penal Code, 1860, any person who commits the offence of rape on any woman or girl child shall be punished with death.

45 of 1860.

Punishment for public servant for wilfully neglecting his duties.

8. Whoever, being a public servant, is convicted of wilfully neglecting his duties required to be performed under this Act, shall be,—

(a) dismissed from service; and

(b) punished with imprisonment for a term, which shall not be less than one year but may extend to three years and also with fine which may extend to rupees two lakh.

9. The appropriate Government shall, with the concurrence of the concerned High Court, by notification in the Official Gazette, establish a Special Court in each district to try offences under this Act.

Establishment of special courts.

2 of 1974.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Act shall be cognizable and non-bailable.

Offence to be cognizable and non-bailable.

11. (1) The appropriate Government shall provide such relief to the victims under this Act by framing appropriate schemes as may be notified from time to time.

Relief and rehabilitation measures.

(2) Without prejudice to the generality of the foregoing provision, the relief and rehabilitation measures shall include,—

- (a) free medical facilities;
- (b) free boarding and lodging facilities;
- (c) recreational facilities;
- (d) vocational training;
- (e) employment in deserving cases;
- (f) such other facilities as the appropriate Government may deem necessary and expedient to provide for the purposes of this Act.

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide funds.

13. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any other law.

Act to have overriding effect.

14. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to supplement other laws.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our society, despite reforms and awakening, it is very unfortunate that young girls and women are still most vulnerable to various atrocities and violence. Teasing and molesting them even at public places, public transport, etc. have become order of the day. These teasers have become fearless. The anti-social elements pass vulgar remarks, make obscene gestures and meddle hastily with girls and women, which many a time cause bodily injury to them. No person, who witnesses these incidents, dares to come to rescue of such hapless girls or women. They are subjected to all kinds of torture in public transport, public places. Most of these cases go unreported. Many a time women are reportedly stripped and paraded naked in villages and streets and beaten ruthlessly. In some parts of the country, the women are being branded as witches and killed ruthlessly which needs to be dealt with severely by providing deterrent punishment. Similarly, in some parts of the country, girls are offered as *devdasis* to deities in the temples which ultimately makes them sex workers. Similarly, young girls and women are abducted and forced into prostitution. The number of cases of rape of girl child and women are increasing rapidly. Some of these girls and women are brutally killed after rape. There is no fear of law among the rapists. Hence, it has become necessary to provide deterrent punishment for the perpetrators of atrocities against the girl child and women in order to restore a respectable position to the women and girl child in the society. It is expected that such stringent measures will curb the atrocities against the girl child and women in the society.

Hence this Bill.

NEW DELHI;
February 23, 2018.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for the establishment of Special Courts. Clause 11 provides for relief and rehabilitation measures for victims by the appropriate Government. Clause 12 provides that the Central Government shall provide requisite funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore will be involved as recurring expenditure per annum.

A sum of rupees seven thousand crore will also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 108 OF 2018

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2018.

Amendment of article 16.

2. In article 16 of the Constitution, in clause (4), for the words “adequately represented”, the words “represented in proportionate to its population” shall be substituted.

Amendment of the Ninth Schedule.

3. In the Ninth Schedule to the Constitution, after entry 284 and the Explanation, the following entry shall be added, namely:—

“285. The Telangana Backward Classes, Scheduled Castes, and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 2017 (Telangana Act 33 of 2017).”.

STATEMENT OF OBJECTS AND REASONS

India is a country of diverse people and religions. While some have fared better than the others, concept of reservations was introduced in the system to bring at par the marginalised and backward classes of people. The Hon'ble Supreme Court of India, in *Indra Sawhney v. Union of India* had held that such reservations should not cross the bar of fifty per cent. in total. This bar has not been prescribed by a law in Parliament nor it is based on any research or reasoning. These marginalised and backward people cannot be held back based on a decision which does not correctly account for the number of such persons in the country. It is a well-established fact that the backward classes account for much more than fifty per cent. of the country's population and hence must be given opportunities based on their proportion to the country's population.

The Bill, therefore, seeks to amend article 16 of the Constitution to allow reservation in education and employment opportunities on a proportionate manner, in contrast the current situation which provides for adequate reservation.

To this effect, the State Government of Telangana, after careful consideration and study of the backward population in the State, has enacted "the Telangana Backward Classes, Scheduled Castes, and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 2017, which seeks to increase reservation in the State to sixty-two per cent. from the existing fifty per cent. The extension beyond the prescribed limit of fifty per cent. is in line with what was held by the Supreme Court in the judgement, which allows for crossing the fifty per cent. threshold if it is necessary and the decision is based on quantifiable data. For this purpose, the proposed Bill seeks to amend the Ninth Schedule to the Constitution in order to place the State Act in this Schedule and to protect the interests of the persons belonging to the backward classes in the newly formed State of Telangana.

Hence this Bill.

NEW DELHI;
March 23, 2018.

VINOD KUMAR BOIANAPALLI

BILL No. 122 OF 2018

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2018.

Amendment
of article 51A.

2. In article 51A of the Constitution, after clause (k), the following shall be inserted, namely:—

“(l) to participate in mass movement for cleanliness and propagate the message of clean India through his words and deeds.”.

STATEMENT OF OBJECTS AND REASONS

To realize the concept of "Shreshth Bharat" (Superior India) the dream of Clean India has to be fulfilled. India is ranked very low in terms of cleanliness. This backwardness with respect to cleanliness, is a hindrance in the way of India in becoming a developed country. To free India from the clutches of filth and with an objective to pave the way for India to become a developed country "Clean India Campaign" was launched by the Prime Minister on 2nd October, 2014. There is a need to make Cleanliness Mission a mass movement so that every citizen may participate in this mission and propagate the message of Clean India through his words and deeds. This duty of a citizen should be included in the list of Fundamental Duties envisaged in the Constitution.

Hence this Bill.

NEW DELHI;
July 2, 2018.

NISHIKANT DUBEY

BILL No. 135 OF 2018

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of new article 121A.

2. After article 121 of the Constitution, the following article shall be inserted, namely:—

“121A. (1) Notwithstanding anything contained in the rules and standing orders regulating the procedure of the Houses of Parliament, if any Minister in the Council of Ministers during the proceedings in either House of the Parliament, gives any assurance, the Minister concerned shall, within fifteen working days, issue an

executive order to give effect to the assurance given, wherever required, after taking necessary approval from the appropriate authorities in such manner as Parliament may, by law determine.

(2) If the implementation of the assurance given in either House of Parliament warrants a law under the provisions of the Constitution, the Minister concerned shall, within thirty working days, introduce a Bill to that effect in the relevant House of Parliament as per the provisions of the Constitution if the Parliament is in session or cause to send the proposal for promulgation of an Ordinance under article 123 of the Constitution in such manner as Parliament may by law determine:

Provided that if no executive order is issued nor any Bill is introduced in either House of Parliament nor any Ordinance is promulgated on the assurance given in the Parliament either due to resignation or removal of Council of Ministers or due to dissolution of the House of People the Council of Ministers subsequently appointed under article 74 of Constitution shall take required steps under this clause or clause (1) within the prescribed period to be counted from the next day of subscribing oath as Council of the Ministers:

Provided further that if an executive order is not issued under clause (1) due to operation of election model code of conduct, the executive order shall be issued within the period prescribed under clause (1) from the day on which the election model code of conduct ceases to operate.”

3. After article 211 of the Constitution, the following article shall be inserted, namely:—

“211A. (1) Notwithstanding anything contained in the rules and standing orders regulating the procedure of the Legislature of a State, if any Minister in the Council of Ministers during the proceedings in the State Legislative Assembly or Legislature Council, gives any assurance, the Minister concerned shall, within fifteen working days, issue an executive order to give effect to the assurance given, wherever required, after taking necessary approval from the appropriate authorities in such manner as the Legislature of the State may by law determine.

(2) If the implementation of the assurance given in the State Legislative Assembly or Legislature Council warrants a law under the provision of the Constitution, the Minister concerned shall, within thirty working days, introduce a Bill to that effect in the State Legislative Assembly or Legislature Council as per the provisions of the Constitution if the State Legislature is in Session or cause to send the proposal for promulgation of an Ordinance under article 213 of the Constitution in such manner as the Legislature of the State may by law determine:

Provided that if no executive order is issued nor any Bill is introduced in the State Legislative Assembly or Legislature Council nor any Ordinance is promulgated on the assurance given in the State Legislature either due to resignation or removal of Council of Ministers or due to dissolution of the State Assembly or due to imposition of President's rule, the Council of Ministers subsequently appointed under article 163 of Constitution shall take required steps under this clause or clause (1) within the prescribed period to be counted from the next day of subscribing oath as Council of the Ministers:

Provided further that if an executive order is not issued under clause (1) due to operation of election model code of conduct, the executive order shall be issued within the period prescribed under clause (1) from the day on which the election model code of conduct ceases to operate.”

Insertion of new article 211A.

Procedure in respect of assurances in Legislature of a State.

STATEMENT OF OBJECTS AND REASONS

The Parliament is supreme legislative body in our country and is vested with power to make laws and rules in the interest of public. Further, the Parliament is also vested with power to amend even the Constitution duly following the envisaged procedure. As such, both the Houses of Parliament debate, discuss and deliberate on various issues of public importance and make laws and rules from time to time. During these discussions or debates, the Council of Ministers, including the Prime Minister, usually make certain promises and give certain assurances to the House, when the members express certain doubts on the proposed legislations. It is the bounden duty of the Council of Ministers, *i.e.*, the Government to fulfil these promises and assurances to ensure the dignity of Parliament in the eyes of common people. If the Government fails to implement the promises or assurances given in the supreme legislative body of the country, the people will lose faith in the parliamentary system, which is detrimental to the interest of a democratic system. Particularly, the people for whose benefit the assurances are given but not fulfilled feel betrayed by their own Government and dissatisfaction grow in their mind which can become a threat to sovereignty of the country.

Over a period of time, the political parties winning the public mandate and forming the Government are ignoring the promises made or assurances given by their predecessor Governments thinking that those promises or assurances were not given by their own party without considering the fact that those assurances were given in the supreme legislative body of the country and not fulfilling them will tamper the image of parliamentary system of democracy.

The Bill, therefore, seeks to provide the constitutional guarantee to the assurances given or promises made by the Council of Ministers including the Prime Minister in either House of Parliament either during the debate or discussion on any issue or while answering any question or responding to any notice or motion or in response to any matter raised by any Member under the prescribed rules, by issuing an executive order to give effect to the promises made or assurances given, so that the successor Governments cannot escape from implementing it.

Similarly, the Bill also seeks to provide the Constitutional guarantee to the assurances given or promises made by the Council of Ministers including the Chief Minister in the State Legislatures.

Hence this Bill.

NEW DELHI;
July 02, 2018.

NISHIKANT DUBEY

BILL No. 185 OF 2018

A Bill further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called as the Merchant Shipping (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 88A of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act),—

Amendment of section 88A.

(a) the existing clause (a), shall be renumbered as clause (aa), and before the clause (aa) so as renumbered, the following clause shall be inserted, namely:—

“(a) ‘Board’ means the National Welfare Board for Seafarers constituted under section 218;”;

(b) after clause (aa) so as renumbered, the following clause shall be inserted, namely:—

“(ab) “Fund” means the Seafarers Welfare Fund constituted under section 218B;”; and

(c) for clause (d), the following clause shall be substituted, namely:—

“(d) “Seafarer” means any person who is employed or engaged or works in any capacity on board a sea going ship and includes cadets, trainees, serang (bosun), machinist, fitter, able body seamen (Helm’s Man, sukhani, quarter master) ordinary seamen (seamen 1, seamen 2), oilers (motor man, donkey greaser, ERR1, ERR 2) catering saloon staff (Ch/cook, 2nd cook, crew cook) employed or engaged in any shipping companies for hire or reward to do any work relating to transporting goods and passengers or both, but does not include—

(i) any person in Officer rank;

(ii) the employment or engagement on work on board in any capacity of any person in a ship of war; or

(iii) any Government ship used for military or non-commercial purposes”.

3. In section 218 of the principal Act—

(a) in sub-section (1), after clause (d), the following clauses shall be inserted, namely:—

“(e) the administering of the Fund constituted under section 218B.”;

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) The Board shall consist of—

(a) the Union Minister of Shipping, *ex-officio* Chairperson;

(b) ten members representing seafarers;

(c) one member each from Shipping Corporation of India and Ship Owners Association (INSA); and

(d) two members from Ship Managers Association (MAASA).

(1B) The Central Government shall appoint the members referred to in clauses (b), (c) and (d) of sub-section (1A) in such manner as may be prescribed.

(1C) The Central Government shall provide to the Board such number of officers and staff as may be required for its efficient functioning.

(1D) The salary and allowances payable to and other terms and conditions of service of Chairperson, members, officers and staff of the Board shall be such as may be prescribed.”.

4. After section 218A of the principal Act, the following sections shall be inserted—

“218B. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Seafarers Welfare Fund for carrying out the purposes of this Act.

(2) The Fund shall consist of contributions from Central Government, Shipping Corporation of India and any other private shipping companies who hire and engage Indian seafarers on vessels transporting goods and passengers in Indian and foreign waters.

Amendment
of Section
218.

Insertion of
new sections
218C to 218D.

Constitution of
the Seafarers
Welfare Fund.

(3) The Fund shall be utilized for—

(a) payment of pension of the Seafarers;

(b) compensation to the Seafarers or his dependant family member on his death or physical infirmity;

(c) such other purposes as may be determined by the Board for welfare of seafarers, from time to time.

218C. The provisions of the Minimum Wages Act, 1948, Payment of Wages Act, 1936, Payment of Bonus Act, 1965, Payment of Gratuity Act, 1972, Equal Remuneration Act, 1976, Workmen Compensation Act, 1923, the Industrial Disputes Act, 1947 with the Employees Provident Fund Act, 1952, and the Payment of Bonus Act, 1965 as in force for the time being, shall apply to, or in relation to, seafarers as they apply to, or in relation to, workmen, within the meaning of those Acts and for the purpose of any proceeding under those Acts.

218D. The provisions of the Seamen Provident Fund Act, 1966 shall not be applicable to the Seafarers.”.

Application of certain Acts to seafarers.

Provision of Act No. 4 of 1966 not to apply to Seafarers.

5. After section 460A of the principal Act, the following section shall be inserted, namely:—

“460AA. (1) The provisions of this Act or of any rule made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement, settlement or contract of service, whether made before or after the coming into force of this Act:

Provided that where under any such law, award, agreement, settlement, or contract or service, a seafarer is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, seafarer shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he is entitled to receive benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude a seafarer from entering into an agreement with his employer for granting him rights or privileges in respect to any matter which are more favourable to him than those to which he would be entitled under this Act.”

Insertion of new section 460AA.

STATEMENT OF OBJECTS AND REASONS

The seafarers are the back bone of Indian economy and the service of a seafarer to the nation not only brings goods and services from across the globe but also contribute a huge sum to the foreign exchange reserve. Workers hired by the international ship owners are not provided proper living standards and wages, as the monopoly union called National Maritime Board has no any authenticity or approval from Government of India.

Also, the wage structure and living conditions of seafarers in India is being manipulated by the National Union of Seafarers of India. The contribution put forward to the pension or annuity fund to Seamen Provident Fund Organisation is also not implemented effectively. The wages of a seafarer is merely rupees six thousand nine hundred and fifty on an Indian registered flag vessel with a 5 per cent. to 7.5 per cent. increment each year.

Any foreign vessel wage agreement signed for the Indian seafarers with the employers are bipartite in nature and many clauses included in this valuable document is favourable to a single union and compelling the membership and violate Provident Fund and Gratuity law of the land. It stipulates compulsory contribution to union run private trust. While looking in to such violations and save the seafarers from the unscrupulous employers control it is high time to protect the legislative rights of workers who spend most of time of their life at sea.

A seafarer has to work onboard a vessel for a nine to ten months period at a stretch. There is no Act in place to regulate their employment conditions and wage fixation. The merchant shipping Act does not emphasis on wage agreement or CBA approval by Government body or any involvement of labour commissioner, welfare contribution, wage recovery, etc. It provides for fines and punishment for violation of any law but not more than rupees one hundred. Regulations are to be framed at the earliest to safe guarding the interests of seafarers.

The Bill, therefore, seeks to amend the Merchant Shipping Act, 1958 with a view to constitute a Seafarer Welfare Fund for the welfare of Seafarers in the country.

Hence this Bill.

NEW DELHI;

July 17, 2018.

A. SAMPATH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for officers and staff for helping the functioning of the Board. Clause 4 provides for the constitution of Seafarers Welfare Fund for the welfare of seamen. The Bill, therefore, if enacted, will involve recurring annual expenditure of rupees one hundred crore from the Consolidated Fund of India. A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

BILL No. 150 OF 2018

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2018.

(2) It shall come into force with at once.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

“16A. Every citizen, who has attained the age of eighteen years and is qualified or deserving or willing to get employed shall have the right to employment:

Provided that any such citizen, who is not provided with employment, shall be entitled to unemployment allowance at such rate as Parliament may, by law, determine.”.

Short title and commencement.

Insertion of new article 16A.

Right to Employment.

STATEMENT OF OBJECTS AND REASONS

The Fundamental rights enshrined in our Constitution are not merely statements or words which are written in the book of law. These rights are essential for building a holistic society which espouse the principles laid down in the preamble of the Constitution. It is necessary that time and again we review our Constitution and insert necessary provisions as and when required which purport to be the need of the hour.

Currently we are witnessing an unprecedented scale of rise of aspiration among citizens in our country. We have seen during the last two decades that India has emerged as one of the largest economies in the world. It recently became the fifth largest economy of the world. Over the last ten years our country has been in that phase of demographic divide that can yield the best results in both social and economic terms in the world. Hence it is the need of the hour that energies and aspiration of our youth are channelized in the most productive and positive manner for the welfare and development of our country.

The former Deputy Prime Minister Ch. Devi Lal ji espoused the values of fraternity, liberty and socio-economic empowerment of the rural section in our country. His efforts towards building a robust rural Indian economy bore fruits during his tenure in the later 1970s in the Union Government and previously in the State of Haryana during the 1960s and early 1970s.

In later years, whenever pro-farmers Governments took over in any State across the country, we have witnessed how empowerment of youth can deliver the best results for the holistic development of any State. However with the changing economic scenario, the economic condition in different jurisdiction across the world are becoming tertiary sector centric and hence the necessity for generating employment have increased many folds.

In such a backdrop, it is necessary that every youth who is qualified, deserving and willing to seek employment gets necessary opportunities of employment. Our nation has witnessed that whenever the energies of its youth is channelized in a constructive manner, it has fed to emergence of socio-economic development.

We have seen how successive Governments have taken measures for the empowerment of the Yuva Shakti of this country either through skill development or under work generation schemes under the Mahatma Gandhi National Rural Employment Guarantee Act, but the results have not been up to the mark. The same is corroborated from the fact that the number of unemployed persons in India is expected to rise from 18.3 million in 2017 to 18.6 million in 2018 and 18.9 million by 2019.

Hence it is the need of the hour to make right to employment as a fundamental right of the citizens.

Hence this Bill.

NEW DELHI;
July 17, 2018.

DUSHYANT CHAUTALA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making the right of employment a fundamental right of the citizens. It further provides that every citizen who has not got any employment shall be entitled to get an unemployment allowance at such rate as may be prescribed by the Parliament by law. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of about rupees five thousand crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be incurred.

BILL No. 4 OF 2019

A Bill to prohibit the creation and distribution of fake news in media and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Fake News (Prohibition) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "fake news" includes the following or combinations thereof:—

(i) misquotation or the false and/or inaccurate report of one's statement;

(ii) editing audio or video which results in the distortion of facts and/or the context; or

(iii) purely fabricated content.

(b) "false or inaccurate report" means to falsities and inaccuracies in reporting that are primarily geared towards:—

(i) undermining or benefiting a person, agency, entity or event; or

(ii) luring advertisers based on number of "clicks" or "visits" for pecuniary or commercial gain; or

(iii) imperiling national security or disturbing public order; or

(iv) sowing enmity, hatred or ill towards certain political, cultural, gender groups or other minorities; or

(v) in broadcast, printed or web-published material disguised as news or without any factual claims.

(c) "mass media outlet" means:—

(g) any entity incorporated to carry on the business of radio and/or television broadcasting and granted a valid Government franchise to operate such business; or

(h) any entity that publishes newspapers with regular public circulation and uses print, online publication, microwave, satellite or whatever means to disseminate content for commercial purposes.

(d) "Social media platform" means any user-specific web-based technology intended to create virtual connection through the internet such as social networking sites, blog sites, video-sharing sites and the like;

(e) "social media user" includes any person or group of persons, natural or juridical, organized or unorganized, that utilizes social media platforms to send messages and/or information across through any social media account, verified or under a pseudonym, fictitious or false account/page name for whatever purposes it may serve;

(f) "create" means the positive act of bringing into existence whether in written, audio or video format fake news guised as factual, true and verified news stories, and the initial dissemination, publication or broadcast of the same through broadcast media, print and social media platforms;

(g) "disseminate" means the act of deliberately and maliciously sharing, forwarding, republishing or re-broadcasting fake news through broadcast media, print, and social media platforms despite the knowledge or reasonable grounds to believe that such news story is false, fictitious and misleading;

(h) "aid or abet" means the act of conniving or assisting in the creation and/or dissemination of fake news through advice, financial support, or other positive acts without which the fake news may not have come into being; and

(i) "retract" means the withdrawal and deletion of fake news broadcast or published when applicable.

Prohibited acts.

3. The following acts are hereby prohibited:—

(a) create through broadcast, social media platforms and/or print fake news by any mass media outlet whether or not such mass media outlet knows of its falsity and regardless of intent;

(b) aid or abet in the creation, distribution or circulation of fake news by any mass media outlet whether or not such mass media outlet knows of its falsity and regardless of intent;

(c) deliberately and maliciously create and disseminate fake news through broadcast, social media platforms and/or print by any mass media outlet or social media user;

(d) deliberately and maliciously aid or abetting in the creation, distribution or circulation of fake news through broadcast, social media platforms and/or print by any mass media outlet or social media user;

(e) defer or desist from any mass media outlet or social media user,—

(i) retracting any fake news; and

(ii) broadcasting or publishing an erratum addressing the fake news.

4. No person shall maliciously offer, publish, distribute, circulate and spread false news or information or cause the publication, distribution, circulation or spreading of the same in print, broadcast or online media housing such false news or information cause or intend to cause panic, division, chaos, violence, hate or which exhibit or intended to exhibit a propaganda to blacken or discredit one's reputation and the person knowingly commits such act with full knowledge that such news or information is false, or with reasonable grounds to believe that the same is false.

Prohibition on malicious creation and distribution of fake news.

5. If any mass media enterprise or social media platform fails, neglects or refuses to remove false news or information within a reasonable period after having knowledge, or having reasonable grounds to believe, of its falsity shall be deemed to be guilty of an offence punishable under this Act.

Failure to remove false news.

6. (1) Any mass media outlet found guilty of creating, disseminating, aiding, abetting or refuses to retract fake news shall be punished,—

Penalties.

(a) with a fine of rupees five lakh for first offence;

(b) rupees ten lakh and its operation suspended for one week for second offence;

(c) twenty lakh and its operation suspended for a month for any subsequent violation.

(2) Any social media user found guilty of creating, disseminating, aiding, abetting or refusing to retract fake news shall be punished with a fine of rupees one lakh for the first offence, rupees two lakh for the second offense and rupees five lakh for any subsequent violation.

Offences by companies.

7. (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance, of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other Officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—for the purpose of this section:—

(i) “company” means anybody corporate and include a firm or other association of individuals; and

(ii) “director” in relation to a firm, means a partner in the firm.

Power to remove difficulties.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Overriding effect of the Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The advent of modern technology has caused a shift from traditional news reporting in print, broadcast media and the internet, especially on social media platforms. We hear and read the phrase "fake news" every day. Fake news creates impression and beliefs based on false premises leading to division, misunderstanding and further exacerbating otherwise tenuous relations.

The distribution of false information through fake news has become easier in the age of internet, where anyone can post a report or a statement to resemble a news story and claim it as true and factual. Fake news or information cause or intend to cause panic, division, chaos, violence, hate or must exhibit or intend to exhibit a propaganda to blacken or discredit one's reputation. A large number of incidents of mob lynching have reported from various part of the country due to the spread of fake news in the social media like whatsapp, Facebook, Twitter, etc. Studies have also found evidence of political parties spreading propaganda on social networks during elections in the country.

With the India being one of the most virtually-connected countries in the world with million active social media users, we have access to platforms of media and access to any array of information available on the web, some with questionable sources. While the responsibility of discerning lie from truth falls with the person using the information, it is a moral duty of the State to protect its people from such lies in the first place. There is need to curb the existence of disreputable news sources and prevent established mass media outlets from careless publishing of unverified or false content.

At present, India does not have a specific law to deal with menace of fake news. Other countries have taken strides in preventing the spread of false information through legislations.

The need is to nip the cause of fake news in the bud by prohibiting the creation and malicious distribution of false information. It aims to ensure that the content being published and disseminated by mass media outlets and social media personalities are free from false, misleading or fictitious stories through a clear definition of what fake news is. It penalizes not only the creation of false content and the malicious distribution thereof, but also the failure to remove such content once it has been published, with varying penalties depending on the gravity of the act.

The need is also to encourage our citizens, especially public officers, to be more responsible and circumspect in creating, distributing and/or sharing news. Addressing national and global concerns should not be made more complicated by false news calculated to cause disunity, panic, chaos and/or violence.

In addition, penalizing mass media enterprise or social media platform that fails, neglects or refuses to remove false news or information within a reasonable period after having knowledge, or having reasonable grounds to believe of its falsity is also required.

The Bill aims to encourage responsible and credible journalism, as well as creating awareness of the harmful effects of spreading untruthful facts. Misleading and deceptive news may cause divisiveness, health hazards, security risks, panic and chaos to this nation, contrary to our Constitutionally enshrined principle of adhering to a policy of peace and cooperation.

The Bill seeks to achieve the above objectives.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 180 OF 2018

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 15 of the Constitution, for clauses (4) and (5) the following clauses shall be substituted, namely:—

Amendment of article 15.

“(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens, or for the Scheduled Castes and the Scheduled Tribes:

Provided that the provision for the advancement of socially and educationally backward classes of citizens shall be proportionate to their population.

(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30:

Provided that the provision for the advancement of socially and educationally backward classes of citizens shall be proportionate to their population.

Explanation.—In this article, the expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.

Amendment of article 16. **3.** In article 16 of the Constitution, for clause (4), the following clause shall be substituted, namely:—

“(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, which in the opinion of the State, are not represented in the services under the State, proportionate to their population.

Explanation.—The expression “population” means the population as ascertained at the last preceding census of which the relevant figures have been published.”.

STATEMENT OF OBJECTS AND REASONS

The enabling content of articles 15(4) and 16(4) as they stand today, empower the State to make provisions for reservation in education and in public employment in relation to the population of the Socially and Educationally Backward Classes (SEBCs) as identified by the respective Backward Classes Commissions. The percentage of reservation in central institutions, both in education and public services is twenty seven per cent, so as to keep the overall percentage of reservations under the judicially mandated limit of fifty per cent, while the population of SEBCs so far identified and recognized as such, is over fifty five per cent.

The issue of provision of reservations and affirmative action has been an on-going debate in the country more particularly, about the adequacy of the measures taken by the elected Government to ameliorate the conditions of socially and educationally backward classes. Judicial dicta have limited the overall percentage of reservations to only fifty per cent of the available educational opportunities in respect of such SEBCs including Scheduled Castes (SCs) and Scheduled Tribes (STs), having regard to the enabling provision requiring the said measures on the principle of adequacy of representation enshrined under article 16(4) of the Constitution. There have been many agitations about the sheer inadequacy of such measures, to meet the aspirations of such classes, more particularly in regard to educational opportunities and services.

A few States such as Tamil Nadu, have already enhanced the reservations in excess of fifty per cent and the challenge to such measures are awaiting judicial adjudication. The present state of affairs shows that existing opportunities in the education and services sector are not meeting the requirements of the population of the already identified SEBCs. The constitutional protection granted to SCs and STs of affording reservations to them in all sectors, such as education, services, political representation, proportional to their population, is required to be extended to SEBCs also, having regard to the march of time, and increase in the population of the SEBCs.

Hence this Bill.

NEW DELHI;

BHAIRON PRASAD MISHRA

November 22, 2018.

BILL NO. 173 OF 2018

A Bill to provide for the conservation and development of heritage cities and sites by way of retaining their historical identification and promoting international and domestic tourism and publishing their historical importance through booklets, pamphlets and such other material and for declaring heritage cities as smart cities for overall development and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Heritage Cities and Sites (Conservation and Development) Act, 2018.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(b) "Fund" means the National Heritage Cities and Sites Development Fund established under section 4;

(c) "heritage City or heritage site" means a city or site, as the case may be, having historical importance which has been declared as such either by United Nations Organisation or any other international organization or as the Central Government may, by notification in the Official Gazette, declare to be heritage;

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, after inviting suggestions from the Governments of the States and Administrations of the Union territories, by notification in the Official Gazette, declare new heritage cities and sites in the country.

Central Government to declare new heritage cities and sites.

(2) Every city declared as heritage city under sub-section (1) shall also be declared as a smart city under the policy of the Central Government.

4. (1) The Central Government shall, within a period of six months from the date of commencement of this Act, constitute a Fund to be known as the National Heritage Cities and Sites Development Fund with initial corpus of rupees fifty thousand crore to be provided by the Central Government.

Constitution of National Heritage Cities and Sites Development Fund.

(2) The Fund shall be utilised in such manner as may be prescribed for,—

(a) development of heritage cities and sites;

(b) creating infrastructure such as hospitality establishments and services, public utilities, water facility, and such other facilities as the appropriate Government may deem necessary for the promotion and development of tourism including publicity through booklets, pamphlets, print and electronic media and through the Indian Embassies and High Commissions abroad to attract foreign and domestic tourists in large numbers to such heritage cities and sites; and

(c) providing necessary transport facilities including air services, rail connectivity, metro rail projects, public transport system, and such other means to reach and see the heritage cities and sites.

5. Notwithstanding anything contained in any other law or policy of the Central Government for the time being in force every heritage city covered under this Act shall be developed as Smart City by the Central Government.

Heritage cities to be developed as smart cities.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds from time to time, for carrying out the purposes of this Act.

Central Government to provide requisite funds.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other laws.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, that only such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our Nation, one of the oldest civilizations, is an ancient country with rich cultural traditions in which many cities and sites were tastefully created and developed by the then rulers which today have great heritage value. One such heritage city is Aurangabad in the State of Maharashtra which is the gateway to world heritage site of Ajanta and Ellora caves. This ancient city named after Mogul emperor Aurangzeb has witnessed the proud history of Moghul dynasty. Apart from Ajanta and Ellora caves this city is famous for duplicate Taj Mahal known as *Biwi ka Makbara*, Grihaneshwar temple, Daulatabad fort, Salim Ali Lake and bird sanctuary and 52 gates where every gate has its own history and named after someone important in history. Being a Moghul era city there are many Dargahs and Mosques in this ancient city.

There are many other historical cities and sites of heritage value. Many of them have been declared as historical sites and remains under an Act of Parliament. Some sites have also been declared as world heritage sites by UNESCO. But, unfortunately, most of them are in dilapidated condition, completely neglected and are in need of refurbishment.

In fact these heritage cities and sites having historical value can be converted into hubs of tourism and in turn will create employment opportunities and generate revenue for the exchequer apart from preserving our history.

Hence this Bill.

NEW DELHI;
November 22, 2018.

BHAIRON PRASAD MISHRA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of National Heritage Cities and Sites Development Fund with an initial corpus of rupees fifty thousand crore to be provided by the Central Government. Clause 6 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. Apart from initial corpus of rupees fifty thousand crore, it is estimated that a sum of rupees sixty thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of rupees ten thousand crore may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 237 OF 2018

A Bill to amend the Protection of Women from Domestic Violence Act, 2005.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Protection of Women from Domestic Violence (Amendment) Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 5.

2. In section 5 of the Protection of Women from Domestic Violence Act, 2005, (hereinafter referred to as the principal Act), after clause (c), the following clauses shall be inserted, namely:—

"(f) of the available Self-help Groups in his jurisdiction and provide her access to such groups;

(g) of the National Skill India Policy and connect her to one of the Schemes;".

Amendment of section 9.

3. In section 9 of the principal Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:

"(ha) to ensure that the victim has been provided access to Self-help Groups and/or National Skill India Policy Schemes;".

STATEMENT OF OBJECTS AND REASONS

According to the National Crime Records Bureau of India report in the year 2012, incidents of crime against women has increased by 6.4 per cent. The report also suggests that a crime against women is committed in every three minutes. Fifty to seventy per cent. women face domestic violence, while only two per cent. of them reach the police to report the case. This gap between the actual rate of crime and the reported rate needs to be mended. One predominant reasons cited in various researches and agreed commonly, of women refraining from reporting cases of domestic violence against them is their financial dependence on the male counterpart or the household.

The need is to improve the accessibility of laws against domestic violence by equipping women with financial independence and security. It is also required to include the institution of Self-help Groups and the National Skill India Policy Schemes which are more inclusive and efficient in providing financial independence and security to the victims of domestic violence.

The Bill, therefore, seeks to amend the Protection of Women from Domestic Violence Act, 2005 with a view to ensure financial security to the victims of domestic violence by providing them access to available Self-help Groups and National Skill India Policy Schemes.

Hence this Bill.

NEW DELHI;
November 26, 2018.

VINOD KUMAR BOIANAPALLI

BILL NO. 203 OF 2018

A Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure Code, 1973

Be it enacted by Parliament in the Sixty-ninth year of the Republic of India, as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Criminal Law (Amendment) Act, 2018.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE, 1860

Substitution of new section for section 497.

2. For section 497 of the Indian Penal Code, 1860, the following section shall be substituted, namely:

Adultery.

"497. Whoever has consensual sexual intercourse with a person who he knows or has reason to believe is the wife or husband of another person, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be

punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. ".

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

1 of 1974.

3. In section 198 of the Code of Criminal Procedure, 1973, for sub-section (2), the following sub-section shall be substituted, namely:

Amendment of section 198.

(2) For the purposes of sub-section (1), no person other than the husband or wife of the women or man shall be deemed to be aggrieved by any offence punishable under section 497 of the said Code:

(2A) For the purposes of sub-section (1), no person other than the husband of the woman shall be deemed to be aggrieved by any offence punishable under section 498 of the said Code:

Provided that in the absence of the husband, some person who had care of the woman on his behalf at the time when such offence was committed may, with the leave of the Court, make a complaint on his behalf. ".

STATEMENT OF OBJECTS AND REASONS

The Supreme Court in the matter of *Joseph Shine v. Union of India*, on 27 September 2018, struck down section 497 of the Indian Penal Code (IPC), 1860, and section 198 (2) of the Code of Criminal Procedure (Cr. P.C.) 1973, *Inter alia* on the grounds of being irrational, arbitrary and violative of articles 14, 15 and 21 of the Constitution Section 497 of the I.P.C., 1860, and section 198 (2) of Cr. P.C., also suffered from poor drafting, as well as being archaic in nature. This section was drafted in completely different social and legal context that existed 158 years ago. A plain reading of the said section reveals the discriminatory and manifestly arbitrary application of the provision, wherein it only provides for circumstances where such an "offence" occurred "without the consent or connivance of that man..." .

However, judging by the reportage in some sections of the media, the spirit of equality as upheld by the Supreme Court in the abovementioned judgement is unfortunately being misinterpreted by some sections of the society, to mean that the Supreme Court intended to condone, or encourage adultery in society. This is also unfortunately reflected in the social media posts, wherein a wrongful impression is being created that amongst the public that adultery is now an acceptable act that carries no penalties. The above erroneous understanding of the said judgement could cause irreparable damage and chaos to the institutions of marriage and family in our society, and may also have a traumatic effect on children who could suffer the unpleasantness of such adulterous relationships, in the absence of any sanction under the law, despite the existence of a strong moral prohibition and preponderant cultural taboo against the act.

It is pertinent to the proposed Bill that while majority of the women in our society often continue to have little power over their marriage, as an equal partner, the striking down of the above provision could also embolden adulterous men to commit adultery in various situations of power, including in social hierarchies that unfortunately continue to exist despite our social best efforts, and the accompanying laws, including those to prevent, protect and punish against such mental cruelty and violence against women. The legislation would help safeguard and nurture the sacred institution of marriage and family life in India, and be in keeping with our cultural ethos and traditions as a nation that has placed great value on family, matrimonial promises and relationships, for thousands of years. Therefore, in order to vindicate the stand taken by the Parliament, of constitutional morality, dignity of women and the principles of gender equality, as also against gender equity guaranteed under the Constitution, it is hereby proposed that "Adultery" wherein committed whether by husband or wife, must be a punishable as a non cognizable offence under the Indian Penal Code, 1860, and the consequent amendment to the Code of Criminal Procedure, 1973, be introduced to ensure free, equal, and dignified existence of all members of society. This Bill seeks to achieve the above objects.

Hence this Bill.

NEW DELHI;
February 9, 2017.

VINOD KUMAR BOIANAPALLI

BILL No. 188 OF 2018

A Bill to constitute a Commission for Immigration Reforms to check illegal migration and regulate immigration and related issues in the country and for matters connected therewith or incidental thereto

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Commission for Immigration Reform Act, 2018. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;
- (b) "Commission" means the National Commission for Immigration Reform constituted under section 3;
- (c) "foreigner" means a person who is not a citizen of India;
- (d) "illegal migration" means any movement that takes place outside the scope of the regulatory norms of sending, transit and receiving country;
- (e) "illegal migrants" includes any foreign national who enters the territory of India devoid of any necessary or valid documents or permits;
- (f) "member" means a member of the Commission and includes the member-Secretary; and
- (g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR IMMIGRATION REFORM

Establishment
of a National
Commission
for
Immigration
Reform.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Commission for Immigration Reform to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of:—

- (a) a Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;
- (b) a member-Secretary, who is or has been the Home Secretary, Union Ministry of Home Affairs;
- (c) representatives each from the High Commissions of India's neighbouring nations (Afghanistan, Bangladesh, Bhutan, China, Myanmar, Nepal, Pakistan, Sri Lanka);
- (d) one representative from the prison or correctional services dealing with detention of illegal migrants;
- (e) one representative from a non-Governmental Organisation dealing with matters related to immigration;
- (f) one representative from the legal fraternity who has special knowledge in the matters of migration law and policy;
- (g) one representative from the Border Security Force;
- (h) an officer who is a member of the civil service of the Union or of All India Service who holds a civil post under the Union with appropriate experience in the field of foreign policy; and
- (i) representatives each from the State Governments from border States.

4. (1) The Chairperson and every member shall hold office for such period, not exceeding five years, as may be specified by the Central Government in this behalf.

(2) The Chairperson or a member (other than the member-Secretary) who is a member of the civil service of the Union or of an All India Service or holds a civil post under the Union may, by writing and addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of the Member at any time.

(3) The Central Government shall reserve the right to remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person—

Terms of
Office and
conditions of
service of
Chairperson
and Members.

- (a) becomes an undischarged insolvent; or
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude; or
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting; or
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) in the opinion of the Central Government has so abused their position as to render that person's continuance in office detrimental to public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) may be filed by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and members shall be such as may be prescribed.

5. (1) The Central Government shall provide the Commission with officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and Allowances to be paid out of grants.

6. The salaries and allowances payable to the Chairperson and members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 10.

Vacancies etc., not to invalidate proceedings of the Commission.

7. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the Constitution of the Commission.

Procedure to be regulated by the Commission.

8. (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may deem fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

Functions of the Commission.

CHAPTER III

FUNCTIONS OF THE COMMISSION

9. (1) The Commission shall,—

Functions of the Commission.

(a) investigate and examine all matters relating to immigration under the Constitution of India and other laws, in view of preventing illegal migration into India;

(b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of these laws;

(c) make in such reports, recommendations for the effective implementation of these laws with emphasis on preventing illegal migration into the country;

- (d) call for investigations to gather information regarding extent of illegal migration into India and develop a criterion for identification of illegal migrants;
- (e) call for special studies or investigations into specific issues or situations that arise during the process of identification and deportation of illegal migrants;
- (f) facilitate dialogue with neighbouring countries to undertake joint action in matters relating to immigration;
- (g) undertake educational research to suggest ways to ensure that the treatment of illegal migrants is done in accordance to international law and best practice;
- (h) undertake education research to ascertain humanitarian concerns involved in the treatment of illegal migrants and identify the criterion therein;
- (i) inspect or cause to be inspected issues such as border patrolling and security measures at the borders;
- (j) inspect or cause to be inspected the facilities where illegal migrants are detained and take up with the concerned authorities for remedial action, if found necessary;
- (k) conduct periodical reviews of the framework surrounding immigration in the country and assess its efficacy; and
- (l) undertake any other matter which may be referred to it by the Central Government.

(2) The Central Government shall cause all reports referred to in clause (b) of the sub-section (1) to be laid before each House of the Parliament along with a memorandum explaining the action taken or proposed to be taken on such recommendations relating to the Union and the reasons for non-acceptance, if any, of any such recommendations.

(3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for non-acceptance, if any, of any such recommendations.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the Central Government.

10. (1) The Central Government shall, after due appropriation made by the law in this behalf, pay to the Commission by the way of grants such sums of money as the Central Government may deem fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and Audit.

11. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by them in connection with the audit of the accounts of the Commission under this Act shall have the

same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

12. (1) The Commission shall prepare in such form and at such time for each financial year, as may be prescribed, its annual report, giving full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual Report.

(2) The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as maybe after the reports are received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

45 of 1860.

13. The Chairperson, the members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code 1860.

Chairperson, members and Staff of the Commission to be public servants.

14. The Central Government shall consult the Commission on all major policy decisions relating to the detection, treatment, engagement and deportation of illegal migrants.

Central Government to consult Commission.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (2) of Section 3 and of officers and other employees under sub-section (2) of section 5;

(b) the form in, and the time at, which the annual report to be prepared under section 12; and

(c) any other matter which is required to be or may be, prescribed. (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Illegal migration has emerged as a major international challenge in the recent past. Illegal migration has numerous socio-political consequences and places stress on public spending in a country. Countries across the world have realised the need to regulate immigration into their country and keep illegal migration at the bay. The United States of America, Canada, the European Union, the United Kingdom have a robust framework in place that deals with the issue of illegal migration, despite which they continue to face many hurdles. The growing rise in humanitarian crises around the world has led to an increase in the number of individuals seeking asylum in foreign countries. It is at this time, that the need for a strong framework that regulates immigration, while distinguishing between illegal migrants and refugees, is being felt worldwide.

The issue of illegal migration has been a burning issue for India since its independence. It has experienced waves of illegal migration from its neighbouring countries such as Bangladesh, Pakistan, Myanmar and Afghanistan. Illegal migrants take advantage of the porous border and make their way into the country before moving deeper into the mainland in search of better opportunities than those available in their country of origin. Despite facing these issues for years, the framework governing immigration in India comprise of a host of legislations. Matters concerning immigration, detection of illegal migrants and their subsequent treatment are dealt with by numerous laws such as the Constitution of India, The Foreigners Act, the Citizenship Act along with other laws within this sphere. The advent of the Citizenship (Amendment) Bill, 2016, which seeks to provide protection to illegal migrants of certain faiths, the framework would continue to become more complicated. In addition to complexity of laws, there is also a gross lack of reliable data on illegal migrants. The Census provides data regarding migrants and not illegal migrants specifically.

Recently, the updation of the National Register of Citizens in the State of Assam, brought the issue of illegal migration into the limelight once again. The exercise identified that nearly forty lakh individuals in the State of Assam, which shares a border with Bangladesh, were residing there without proper documentation. However, the process shed light on another important aspect. It exposed the inadequacy of the Government with respect to the treatment and subsequent deportation of illegal migrants once they have been identified by the State.

There is a lack of a solid framework to initiate swift deportation proceedings or a lack of coordination with neighbouring governments. There is also a lack of infrastructure to house illegal migrants, once identified, in the interim. This leads to detention in poor conditions, on occasion, for indefinite periods. This entire process is sensitive as there are numerous humanitarian and legal concerns involved in the process. If done improperly, it could invite ire from the international community and have ramifications under International law. As India is taking large strides towards establishing itself as a global power, it is imperative that the Government assess the current framework of immigration and provide for a better institutional approach to the illegal migrant issue that is at par with international best practices.

Hence this Bill.

NEW DELHI;
November 27, 2018.

GAURAV GOGOI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the National Commission for Immigration Reform. It also provides for the appointment of representatives from the prison, non-Governmental Organisations and legal fraternity. Clause 4 provides for payment of salaries to Chairperson and members of the Commission. Clause 5 provides for payment of salaries and allowances to officers and other staff of the Commission. Clause 10 provides that the Central Government shall provide adequate funds for the smooth functioning of the Commission. The Bill therefore, if enacted, would involve expenditure from the Consolidated Fund of India. However, at this stage the recurring and non-recurring expenditure cannot be estimated, but has to be worked out by the Central Government while implementing the provisions of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 239 OF 2018

A Bill to establish a National Commission for maintenance of religious harmony in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Maintenance of Religious Harmony Act, 2018.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "Chairperson" means the Chairperson of the National Commission for Religious Harmony constituted under section 3;

(b) "Commission" the National Commission for Religious Harmony constituted under section 3;

(c) "member" means a Member of the Commission and includes the member-Secretary;

(d) "National Commission for Minorities" means the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992;

(e) "National Commission for Scheduled Castes" means the National Commission for Scheduled Castes referred to in article 338 of the Constitution;

(f) "National Commission for Scheduled Tribes" means the National Commission for Scheduled Tribes referred to in article 338A of the Constitution; and

(g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR MAINTENANCE OF RELIGIOUS HARMONY

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a commission to be known as the National Commission for Maintenance of Religious Harmony, to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

Constitution of the National Commission for Maintenance of Religious Harmony.

(2) The Commission shall consist of,—

(a) Chairperson, who is or has been, a Chief Justice of the Supreme Court;

(b) one member who is or has been, a Judge of Supreme Court;

(c) one member who is, or has been, the Chief Justice of a High Court;

(d) a Secretary-General, being an officer of the rank of Secretary to the Government of India who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission, except judicial functions and the power to make regulations, as may be delegated to him by the Commission or the Chairperson, as the case may be;

(e) a representative each who is a head of a religious institutions of the Hindu, Muslim, Christian, Sikh, Buddhist and Parsi community;

(f) Chairperson of the National Commission for Minorities, the National Commission for Scheduled Castes and the National Commission for the Scheduled Tribes;

(g) two representatives from the community having expertise in public service or community relations in India;

(h) a representative from a leading company or organisation in the field of social media;

(i) a representative from the Indian Police Service; and

(j) a representative from the Election Commission of India,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The headquarters of the Commission shall be at New Delhi and the Commission may, with the previous approval of the Central Government, establish offices at such other places in the country as may be prescribed.

4. (1) The Chairperson and the Members shall be appointed by the President by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made by obtaining the recommendations of a Committee consisting of —

- (a) the Prime Minister—Chairperson;
- (b) Speaker of the House of People—member;
- (c) Union Ministry of Home Affairs in the Government of India—member;
- (d) Leader of the Opposition in the House of People—member;
- (e) Leader of the Opposition in the Council of States—member;
- (f) Deputy Chairman of the Council of States—member;

Provided further, that no sitting Judge of the Supreme Court or sitting Chief Justice of a High Court shall be appointed as a Chairperson of the Commission except after consultation with the Chief Justice of India.

(2) The Chairperson and every member shall hold office for such period, not exceeding five years, as may be specified by the Central Government in this behalf.

(3) The Chairperson or a member (other than the Secretary-General) who is a member of the civil service of the Union or of an All India Service or holds a civil post under the Union may, by writing and addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of the member at any time.

(4) The Central Government shall reserve the right to remove a person from the office of Chairperson or a member referred to in sub-section (3), if that person —

- (a) becomes an undercharged insolvent.
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude members.
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission, or
- (f) in the opinion of the Central Government has so abused their position as to render that person's continuance in office detrimental to public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(5) A vacancy caused under sub-section (3) may be filed by fresh nomination.

5. The Central Government shall make available to the Commission:

- (a) such police and investigative staff under an officer not below the rank of a Director General of Police; and
- (b) such other officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5 shall be paid out of the grants referred to in sub-section (1) of Section 10.

Salaries and Allowances to be paid out of the grants.

7. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the Constitution of the Commission.

Vacancies not to invalidate proceedings of the Commission.

8. (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may deem fit.

Procedure to be regulated by the Commission.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the member-Secretary or any other officer of the Commission duly authorized by the member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. (1) The Commission shall,—

Functions of the Commission.

(a) inquire, *suo motu* or on a petition presented before it by any person or on direction or order of any court, into complaints of:

(i) causing feelings of enmity, hatred, ill-will or hostility between different religious groups;

(ii) carrying out activities to promote a political cause, or a cause of any political party while, or under the guise of, propagating or practising any religious belief;

(iii) carrying out subversive activities under the guise of propagating or practising any religious belief;

(b) review the safeguards provided by or under the Constitution or any law for the time being in force which helps promote religious harmony and recommend measures for their effective implementation;

(c) review the factors that inhibit an environment of religious harmony and recommend appropriate remedial measures;

(d) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of the framework that helps preserve religious harmony and the factors that hinder it.

(e) call for special studies or investigations into specific issues or situations that are related to or incidental to the maintenance of religious harmony in the Nation; and

(f) any other matter which may be referred to it by the Central Government, from time to time.

(2) The Central Government shall cause all reports referred to in clause (d) of the sub-section (1) to be laid before each House of the Parliament along with a memorandum explaining the action taken or proposed to be taken on such recommendations relating to the Union and the reasons for nonacceptance, if any, of any such recommendations.

(3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the

recommendations relating to the State and the reasons for non-acceptance, if any, of any such recommendations.

Powers of the Commission.

10. (1) The advice of the Commission shall ordinarily be binding upon the Central Government.

(2) The Commission shall, while performing its functions under sub-section (1) of Section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court of office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

(3) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the Central Government.

11. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Commission by the way of grants such sums of money as the Central Government may deem fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and Audit.

12. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by them in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report there on shall be forwarded annually to the Central Government by the Commission.

Annual Report.

13. The Commission shall prepare in such form and at such time for each financial year, as may be prescribed, its annual report, giving full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

14. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

Annual report and audit report to be laid before the Parliament.

CHAPTER V

MISCELLANEOUS

15. The Chairperson, the members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.

Chairperson, Members and staff of the Commission to be public servants.

16. The Central Government shall consult the Commission on all major policy decisions relating to the detection, treatment, engagement and deportation of illegal migrants.

Central Government to consult Commission.

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (2) of section 3 and of officers and other employees under sub-section (2) of section 5;

(b) the form in, and the time at, which the annual report shall be prepared under section 13; and

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a secular State, deriving its supreme source of political authority from the Constitution of India and not popular religious mandate. However, India is home to people of different races, languages and religions. Its diverse demographic profile often leads to accentuated religious distinctions between the populace. Religious polarization has provided scope for sectarian violence and tension in India for decades.

Lately, instances of religious intolerance have been on the rise in India. As per a reply to a question before the Lok Sabha earlier this year, it was brought to notice that instances of communal violence or religious motivated violence have risen by 28% between the years of 2014 and 2017. India was also recently ranked 4th in a list of religiously intolerant nations released by PEW Research Centre. It is no secret that religious groups have been involving themselves in the political process indirectly by politicising various matters and exploiting religious sentiments to garner political support for different parties. In light of these considerations, it is imperative that religious institutions are not allowed to stray beyond their boundaries by venturing into radical social action.

The Government shall strive to maintain the secular nature of our State and an important aspect of this is to maintain religious harmony. The Government shall endeavour to remain neutral in its relations with different religious groups in the country and not favour any of them in preference to the others. The Government shall strive to protect each citizen's right to choose their religion and to exercise his religious rights as long as do not infringe upon the rights or sensitivities of other citizens of the country. The present Bill seeks to empower the Government to effectively maintain religious harmony by ensuring followers of a religion exercise tolerance towards other religions and strive to keep politics and religion separate from one another.

Hence this Bill.

NEW DELHI;
November 28, 2018.

GAURAV GOGOI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Commission for Maintenance of Religious Harmony. Clause 5 provides for appointment of officers and employees for functioning of the Commission. Clause 6 provides for the appointment of and payment of Chairperson, Secretary General, members, officers and any other staff as may be necessary. Clause 11 provides for the Central Government to provide adequate funds for the smooth functioning of the Commission. The Bill therefore, if enacted, would involve expenditure from the Consolidated Fund of India. However, at this stage the recurring and non-recurring expenditure cannot be estimated but has to be worked out by the Central Government while implementing the provisions of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 6 OF 2019

A Bill to provide for the formulation of a national policy to set up engineered landfill sites at conspicuous places away from human settlements, for their scientific management and for preparing a model solid waste management policy to prevent throwing or depositing non-biodegradable garbage or waste at public places such as roads, parks, public drains or places open to public view so as to protect the environment and ultimately mother earth from being polluted by such garbage or waste responsible for the climate change and for matters connected therewith or incidental thereto.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, to take appropriate steps for the protection and improvement of human environment;

AND WHEREAS it is considered necessary to implement the decisions aforesaid to protect the environment from the ill-effects of non-biodegradable garbage;

AND WHEREAS article 48A of the Constitution enjoins upon the State to endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Environment Protection (Management of Landfill Sites and Control of Non-Biodegradable Garbage) Act, 2019 .

Short title
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "biodegradable garbage" means the garbage or waste material capable of being destroyed naturally or by the action of living beings or micro-organisms;

(c) "landfill site" means a site or place earmarked for depositing garbage of a city by the local self-Government;

(d) "local self-Government" includes a Municipality, Cantonment Board or any such authority by whatever name called;

(e) "municipal area" means territorial area within the jurisdiction of a local self-Government;

(f) "non-Biodegradable garbage" means the garbage or waste material which is not biodegradable and includes polythene, nylon and other plastic goods such as Polyvinyl Chloride, Polypropylene and Polystyrene;

(g) "place open to public view" include any private place or building, monument, fence or balcony visible to a person being in or passing along any public place;

(h) "prescribed" means prescribed by rules made under this Act; and

(i) "public place" means any place which is open to use and enjoyment of the general public whether it is actually used or enjoyed by the public or not and includes a road, street, market house gully or way, whether a throughfare or not, and the landing place to which public are granted access or have a right to resort or over which they have a right to pass.

3. (1) The Central Government shall, within six months of the commencement of this Act, prepare and publish in the Official Gazette a National Policy for scientific management of landfill sites and solid waste throughout the country.

National
Policy for
landfill sites
and solid waste
management.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the National Policy shall include,—

(a) setting up of engineered landfill sites instead of conventional ones;

(b) positioning of vent pipes in landfill sites to burn methane gas;

(c) setting up plants to generate power from the garbage;

(d) promote technology to build roads from the garbage;

(e) setting up of waste recycling plants;

(f) recognising waste pickers or informal waste collectors;

(g) providing training on solid waste management to waste pickers or collectors;

(h) setting up of material recovery facility, secondary storage facility to sort recyclable waste;

(i) promote segregation of waste in dry and wet in households and establishments;

(j) promote participation of Residents Welfare Associations (RWAs) in educating people in waste management in their areas; and

(k) such other provisions as the Central Government may deem fit and necessary.

Prohibition to through garbage in drains and sewerage.

4. (1) Notwithstanding anything contained in any other law for the time being in force, the disposal of garbage by any person, by himself or through another, knowingly or otherwise in any drain, ventilation shaft, pipe and fittings connected with the private or public drainage works, at public place such as streets, roads, market place, open vacant plots and such other places is hereby prohibited.

(2) No person shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed any biodegradable and non-biodegradable garbage in any public place or in a place open to public view unless,—

(a) the garbage is placed in a garbage receptacle; or

(b) the garbage is deposited in a location designated by a local self-Government having jurisdiction on an area for the disposal of garbage.

(3) Whoever contravenes the provisions of section 4 shall be guilty of an offence under this Act.

Placement of receptacles etc. by local self-Government.

5. It shall be the duty of the local self-Government to,—

(a) provide at conspicuous and convenient places public receptacles, depot or *dhalao* or places for temporary deposit or collection of non bio-degradable garbage;

(b) provide separate dustbins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit or bio-degradable garbage;

(c) provide for the removal of garbage from receptacles, depot and accumulation at all places provide by it;

(d) promote segregation of garbage in dry and wet categories; and

(e) arrange for recycling of non-biodegradable garbage collected under this Act.

Penalty.

6. (1) Whoever commits any act in contravention of any of the provisions of this Act, shall be punished with fine which shall not be less than twenty thousand rupees but which may extend upto fifty thousand rupees.

(2) Whoever having been convicted of an offence under this Act is again convicted of any offence under this Act shall be punished with simple imprisonment which may extend upto one year;

(3) Whoever in any manner aids or abets the commission of an offence under this Act shall be punished with fine which shall not be less than fifty thousand rupees, but may extend to one lakh rupees.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 an offence punishable under this Act shall be cognizable and bailable.

Welfare measures for workers.

7. It shall be the duty of the appropriate Government to extend welfare measures, appropriate medical facilities and special allowances to the workers who are engaged to execute works under this Act.

Offences to be tried summarily.

8. All offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 shall, as far as may be, apply to such trials.

2 of 1974.

2 of 1974.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

Central
Government to
provide funds.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject-matter of this Act.

Act to
supplement
other laws.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Recently, during the rainy season a landfill site in the national capital collapsed after a blast caused by Methane gas collected within the site the slide swept away some people in the nearby canal and killed them. In the landfill sites Methane gas generated in a large scale be it in the national capital, commercial capital of the country, Mumbai or any other metropolitan or urban area which causes apart from difficulty in breathing and irritation in eyes, some dreaded diseases like TB, Cancer etc. In metropolitan cities like Delhi and Mumbai availability of land for setting up of new landfill sites is next to impossible and as a result existing landfill sites have become mountains of garbage emanating stink and gases and polluting the environment on a very large scale.

In fact removal of garbage has become a major problem in the urban areas of the country. Heaps of garbage can be seen almost everywhere which is causing huge environment pollution. Disposal of solid waste is the duty of the local self-Government agencies. Major portion of solid waste is of biodegradable nature which means it can be destroyed by the action of living being and micro-organisms. Such garbage can be converted into compost or used as a source of energy of manure. Now under a new technology the waste can also be used in building roads. But non-biodegradable waste is the bane of modern civilization and invention of plastic has caused the biggest harm to environment. Such substance choke gutters, drains and marine outfall creating difficulties for sewage engineering.

Recently, Indian Institute of Technology (IIT), Delhi made a presentation on waste disposal which the local bodies can adopt. In short, we require a national policy to deal with this sensitive issue.

Hence this Bill.

NEW DELHI;
November 27, 2018.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for welfare measures, medical facilities and special allowances to the workers who are engaged to execute the work under this Act. Clause 9 makes it mandatory that the Central Government shall provide funds from time to time for carrying out the purposes of this Bill. At this stage it is not possible to quantify the funds which may be required for the implementation of the provisions but it is estimated that a sum of rupees one lakh crore may involve from the Consolidated Fund of India as recurring expenditure per annum in case the Bill is enacted by Parliament.

A non-recurring expenditure for creating assets in the country of sum of rupees one lakh crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 196 OF 2018

A Bill to provide for the payment of subsistence allowance to farmers and agricultural labourers in order to provide social security to them and their family members and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Payment of Subsistence Allowance to Farmers and Agricultural Labourers Act, 2018.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural labourer" means any person who works on land belonging to others for wages in cash or kind having a total family income of not more than rupees three thousand per month from all sources;

(b) "applicant" means a farmer or agricultural labourer who has applied for the subsistence allowance;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(d) "family" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;

(e) "farmer" means any person who owns agricultural land not exceeding four hectares and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system having a total family income of not more than rupees five thousand per month from all sources; and

(f) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay subsistence allowance at the rate of:—

(a) rupees five thousand per month to every farmer; and

(b) rupees two thousand per month to every agricultural labourer.

Subsistence allowance to the farmers and the agricultural labourers.

4. (1) The appropriate Government shall appoint an officer not below the rank of Sub-Divisional Officer as the nodal officer for the purpose of identification of beneficiaries under the provisions of this Act.

Sub-Divisional Officer to work as the nodal Officer.

(2) The nodal officer shall invite applications in such form, as may be prescribed, for availing of subsistence allowance under the provisions of this Act from amongst farmers and agricultural labourers who are eligible for payment of subsistence allowance under the provisions of this Act and who have been working as such farmer.

5. The appropriate Government shall designate an officer not below the rank of Block Development Officer for the purpose of receiving applications from farmers and agricultural labourers for payment of subsistence allowance under this Act.

Block Development Officer to receive applications.

6. Any person who intends to apply for subsistence allowance under this Act shall apply to the Block Development Officer for registration of his name in such form as may be prescribed under sub-section (2) of section 4.

Application for subsistence allowance.

7. (1) The Block Development Officer shall collect all the applications and forward them to the Sub-Divisional Officer.

Block Development Officer to collect and forward the applications.

(2) The Sub-Divisional Officer shall, after holding such inquiry as he may deem necessary, but, in no case later than thirty days from the date of receipt of applications, either admit or reject the application:

Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for payment of subsistence allowance under this Act.

(3) The Sub-Divisional Officer shall record, in writing, the reasons for rejection of an application, if any, under the Act.

(4) Any applicant aggrieved by the decision of the Sub-Divisional Officer may prefer an appeal to the District Magistrate in such form and manner as may be prescribed.

(5) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the applicant shall be given a reasonable opportunity of being heard.

(6) It shall be the duty of the Sub-Divisional Officer to maintain, review and publish a tehsilwise list of the beneficiaries under the Act once in every six months.

Mode of
Payment of
subsistence
allowance to
family
members of
agricultural
labourers or
farmers.

Every State
Government
and Union
territory
administration
to set up a
special cell.

Constitution
of Farmers
and
Agricultural
Labourers
Welfare Fund.

Central
Government
to provide
adequate
funds.

Penalty.

Act to have
overriding
effect.

Power to
make rules.

8. The mode of payment of subsistence allowance to the farmers and agricultural labourers and their family members, in case of death of a farmer or agricultural labourer, shall be such as may be prescribed by the Central Government.

9. Every State Government and Union territory administration shall set up a special cell at the district and the State level for the purposes of monitoring the implementation of the provisions of the Act.

10. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Farmers and Agricultural Labourers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution or assistance.

(4) The Fund shall be utilized for carrying out the purposes of this Act.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

12. (1) Whoever contravenes the provisions of this Act shall, on conviction, be liable to a fine which may extend to one thousand rupees.

(2) In case the convicted person is an employee of the Central/State Government/Union territory administration, the penalty provided under sub-section (1) shall be in addition to the departmental disciplinary action initiated against him.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but except as above, the provisions and the rules made under this Act shall be in addition to and not in derogation of any other law for the time being in force.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Agriculture is a prominent sector of Indian economy. About two-third population of the country is dependent on agriculture for their livelihood. Recent times have witnessed phenomenal growth in other sectors due to heavy public-private investments. Lack of investment in agriculture has resulted in de-accelerated growth and increase in input-cost of agricultural produce. To overcome the resource constraints, agriculturalists fall back upon loans secured at high rates of interests from banks and financial institutions. Failed crops, ineffective pesticides, poor quality of seeds and high debts have led to multiple incidents of suicides by farmers across the country.

A healthy agricultural sector is essential not only for food security of the nation but also to keep inflation and prices of essential commodities under check. An unprofitable and debt-ridden agricultural sector would not be able to provide for even the basic needs of farmers, agricultural labourers and their dependents. Therefore, there is an urgent need to address the basic needs of the farmers and agricultural labourers.

The Central and State Governments are under constitutional obligation to ensure the survival of the farmers and to provide financial resources for agriculture in order to prevent any further loss of lives.

In view of the above, the farmers and agricultural labourers need the support of the State so that their economic handicap do not come in the way of their survival and social development.

Hence this Bill.

NEW DELHI;
November 27, 2018.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of subsistence allowance to the farmers and the agricultural labourers. Clause 9 provides for setting up of special cells at the District and State level for the purposes of monitoring the implementation of the provisions of the Act. Clause 10 provides for constitution of a Farmers and Agricultural Labourers Welfare Fund. Clause 11 provides that Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crores per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only the delegation of legislative power is of a normal character.

BILL No. 178 OF 2018

A Bill to provide for the rehabilitation and financial assistance to the victims of natural calamities and for matters connected therewith.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2018.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Commissioner” means the Commissioner appointed under section 3;

(b) "natural calamity" includes drought, flood, cyclone, hailstorm, cloud burst, tsunami, landslide or earthquake or such other conditions as may be notified by the appropriate Government from time to time;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "victim of natural calamity" means a person who suffers physical bodily harm or whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity and includes, in the case of death of such victim due to natural calamity, his family members.

Appointment of Commissioner for providing financial assistance and other benefits to victims of natural calamity.

3. (1) The Central Government shall appoint a Commissioner in such manner as may be prescribed for providing financial assistance and other benefits to the victims of natural calamities.

(2) The Commissioner appointed under sub-section (1) shall be provided with such staff as may be necessary for efficient discharge of his duties under this Act.

(3) It shall be the duty of the Commissioner to ensure provision of food, adequate shelter and financial assistance to the victims of natural calamity in such manner as may be prescribed.

(4) The financial assistance to the victims of natural calamity shall be disbursed as early as possible but not later than three months from the occurrence of the natural calamity.

Financial assistance and other benefits to the victims of natural calamity.

4. (1) A claim for receiving financial assistance shall be made in the prescribed form by the victims of natural calamity to the Commissioner, who shall disburse the financial assistance to the victims, after making such inquiry and in such manner, as may be prescribed.

(2) The victim of natural calamity shall be provided with the following financial assistance and other benefits:—

(a) in case of loss of life,—

(i) financial assistance in the form of a compensation of not less than seven lakh rupees shall be given to the next of the kin of the deceased; and

(ii) suitable employment shall be provided to one of the dependants of the deceased;

(b) in case of severe injury,—

(i) medical treatment free of cost; and

(ii) such financial assistance as, in the opinion of the Commissioner, is necessary for his rehabilitation, subject to the limit of a minimum amount of rupees one lakh and maximum amount of rupees three lakh;

(c) in case of damage to the dwelling unit, victim shall be provided with such financial assistance as is required for the repair or reconstruction of the damaged dwelling unit;

(d) in case of irreparable damage to the cultivable land, victim shall be provided with cultivable land of equal area at a reasonable distance from the place of his residence;

(e) in case of damage to the standing crops, victim shall be given compensation in proportion to the losses suffered by him; and

(f) in case of loss of livestock, victim shall be given adequate financial assistance in proportion to the losses suffered by him.

Savings.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is prone to various natural calamities such as tsunami, floods, droughts, storms, hailstorms, cyclones, landslides and earthquakes, which cause extensive damage to life and property. Floods are frequently occurring in the States of Assam, Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal, Tripura and other parts of the country. Droughts are also very common and frequent throughout the country. Tsunami and cyclones cause havoc in the coastal areas whereas storms and hailstorms cause heavy loss of life and property in hilly areas as well as in the nearby plain areas. Now frequent earthquakes have also been causing concern among the people of various regions. The havoc caused by the tsunami in the year 2004 in southern States of the country is still in our memory. We have also not forgotten the extensive damage caused by earthquakes in the States of Uttar Pradesh, Maharashtra and Gujarat in the year 1991, 1993 and 2001, respectively. Whenever a natural calamity happens, the nation has to divest its resources towards rescue and rehabilitation processes and on repairs and construction of the roads, bridges, fields, buildings, etc. which put a heavy burden on the exchequer. Fortunately, the entire nation rises to face such calamities but the loss caused thereby can never be recovered by any means.

Of course, the occurrence of natural calamities cannot be stopped but certainly with our combined efforts we can minimise the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. The Central Government has to play the main role in this process, as the State Governments are not well equipped to deal with any natural calamities and to provide relief to the victims. Sometimes, delay is caused in rushing relief to the victims due to procedural wrangles. Hence, it is felt that a suitable legislation be enacted to set up a mechanism to help the victims of natural calamities instantly. The Bill seeks to provide for rehabilitation and financial assistance to the victims of natural calamities instantly in case of occurrence of any such calamity in the country.

Hence this Bill.

NEW DELHI;
November 27, 2018.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of a commissioner for providing financial assistance and rehabilitation measures to the victims of natural calamities. Clause 4 provides for financial assistance of rupees five lakhs to the next of kin of a person who dies in any natural calamity and medical treatment for injured persons and other welfare measures for the victims of natural calamities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact estimate of the actual expenditure to be involved to meet any unpredictable eventuality. However, it is estimated that recurring expenditure of rupees five thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 199 OF 2018

A Bill to provide for the right to work to every eligible citizen and for payment of allowance till such time as appropriate work is provided to every citizen, constitution of Right to Work Fund, creation of Right to Work Insurance Policy and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Right to Work Act, 2018.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "employment exchange" means an employment exchange set up by the Government of a State or Union territory Administration;

(b) "Fund" means the "Right to Work Fund" constituted under sub-section (1) of section 9;

(c) "Government" means the Central Government;

(d) "notification" means a notification published in the Official Gazette by the Central Government; and

(e) "prescribed" means prescribed by rules made under this Act.

3. Subject to the provisions of sections 7 and 12, every citizen who has attained the age of eighteen years and who, being unemployed, is registered at an employment exchange shall have the right to appropriate work to be provided by the Government.

Right to work.

4. The work to be provided by the Government under section 3 shall be suited to the age and qualification of the citizen concerned.

Nature of work to be provided.

5. Till such time as work is provided to a citizen under section 3, there shall be paid by the Government to such citizen such allowance, not being less than rupees five thousand per month, as may be prescribed.

Grant of allowance.

6. If a citizen secures any work or job subsequent to his registration with the employment exchange, either on his own or otherwise, he shall inform the employment exchange immediately and his name shall be removed by the employment exchange with effect from the date of having secured the job or work.

Removal of name by Employment Exchange.

7. The provisions of this Act shall not apply to any citizen,—

Act not to apply to certain citizens.

(a) who has an income, from one or more sources, not less than the amount of allowance fixed under section 5; and

(b) who is covered under any scheme of unemployment allowance prevalent in a State or Union territory.

8. Where a citizen, being unemployed, is registered with an employment exchange, but has an income of his own from any source, the amount of allowance to which he is entitled under section 5 shall be reduced by the amount of his income.

Reduction of allowance.

9. (1) The Government shall constitute a Fund to be called "Right to Work Fund" for the payment of allowance under this Act.

Constitution of 'Right to Work Fund'.

(2) The Government shall, from time to time, make such grants to the Fund as may be required for the purpose of this Act.

(3) These shall be credited to the Fund,—

(a) all grants made by the Government under sub-section (2);

(b) all voluntary donations made to the Fund;

(c) all contributions in respect of the Right to Work Insurance Policy under section 10;

(d) all sums collected under section 11; and

(e) any interest or dividend or other return on any investment made out of the Fund.

(4) All amounts due and payable under this Act and all expenditure relating to the management and administration of the Fund shall be paid out of the Fund.

Right to Work
Insurance
Policy.

Contribution
to the Fund.

Categorising
of citizens
entitled to
right to work.

Annual report
by
Government.

Power to
make rules.

10. The Government shall frame a Right to Work Insurance Policy to cover whole or any part of such grants of allowances as may be payable under this Act.

11. Every citizen who receives work or allowance under this Act shall contribute to the Fund for a prescribed period immediately after securing any work or job, at such rate, as may be prescribed.

12. The Government may, in its endeavour to provide work under this Act, categorise citizens by notification on the basis of their qualification or such other basis, as may be prescribed, and make citizens of such categories entitled to right to work under section 3:

Provided that the Government shall provide the right to work to all eligible citizens within ten years from the commencement of this Act.

13. As soon as may be, after the close of a financial year, the Government shall cause an annual report on the working and administration of the Fund and the implementation of this Act during that year, to be prepared and laid before each House of Parliament, and every such report shall be in such form and shall contain such matters as may be prescribed.

14. (1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the rate of allowance referred to in section 5 and different rates may be prescribed on the basis of qualification and skills;

(b) the necessary details relating to the Right to Work Insurance referred to in section 10;

(c) the rate of contribution to the Fund under section 11;

(d) the basis of categorisation of citizens under section 12;

(e) the form and content of the annual report mentioned in section 13;

(f) the procedure to regulate all payments under this Act; and

(g) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act by the Government and every notification issued under section 12, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

STATEMENT OF OBJECTS AND REASONS

Indian Constitution guarantees to every citizen the fundamental right to life. The Supreme Court has observed that the right to life, in order to be meaningful, assumes the availability of necessary means to a decent livelihood. On the other hand, the problem of unemployment has assumed menacing proportions. Even the educated citizens are rendered indigent. Lack of employment opportunity in the country is also leading to brain drain and exodus of a large number of skilled and unskilled persons abroad.

It is time that concerted efforts are made by the State to assure work to citizens. The Bill grants every citizen the legal right to work. Till such time as work is provided to a citizen, he or she shall be entitled to an allowance.

The Bill also provides for the constitution of a 'Right to Work Fund' by the Government. The Fund will receive grants made by the Government, contributions at prescribed rate and for a specified period from citizens who secure work after registration, etc. There is also a provision to promote Right to Work Insurance to raise finances.

The Bill is realistic, in so far as it provides for a gradual introduction of the right to work. To begin with, the Government may categorise citizens on the basis of their qualification or any other basis and make citizens of such categories entitled to the right to work, so, however, that gradually all the citizens secure the right to work within a period of ten years from the commencement of the Act.

Hence this Bill.

NEW DELHI;
November 27, 2018.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for right to work. Clause 5 seeks to provide allowance to a citizen who has attained the age of eighteen years and who, being unemployed, is registered at an Employment Exchange. Till such time as work is provided to such a citizen, he or she shall be entitled to such allowance not being less than two hundred rupees per week, as may be prescribed. Clause 9 provides for the Constitution of a 'Right to Work Fund' for the grant of allowance under this Act. It is difficult to make an exact estimate of the recurring expenditure that may be involved on this count. Nevertheless, the provisions of the Bill may be expected to involve recurring expenditure of about rupees five hundred crore per annum from the Consolidated Fund of India. The recurring expenditure is expected to reduce substantially as employment situation improves, and as voluntary donations and contributions from citizens who secure work and contributions from the Right to Work Insurance are received.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 218 OF 2018

A Bill to establish a procedure for safeguarding the rights of wrongful convicts and for matters connected therewith or incidental thereto.

WHEREAS the legislature by enactment of the provisions of this Act ensures that those innocent persons who were mistakenly convicted and imprisoned be deserving of compensation by the State.

Be it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

- 1. (1)** This Act may be called the Protection of Rights of Wrongful Convicts Act, 2018.
- (2)** It extends to the whole of India.

Short title,
extent and
commencement.

- (3)** It shall come into force on such date as the Central Government, may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "Board" means the Board for Wrongful Conviction established under section 5;
- (b) "Chairperson" means the Chairperson of the Board designated under section 5;
- (c) "claimant" for the purpose of this Act means a person convicted and subsequently imprisoned for a crime that such person had not committed;
- (d) "prescribed" means prescribed by rules made under this Act; and
- (e) "wrongful incarceration or wrongful conviction" means an individual convicted of an offence and who served all or part of the sentence of the offence and was later acquitted for the reasons the individual was innocent or the judgment was reversed and other accusatory evidence was dismissed or prosecution executed without good faith, which concluded in favor of the accused or includes any of the following:—
 - (i) making or fabricating a false or incorrect record or document for submission; or
 - (ii) making a false declaration or statement before an officer authorized by law to receive as evidence when legally bound to state the truth that is to say by an oath or by a provision of law; or
 - (iii) otherwise giving false evidence when legally bound to state the truth that is to say by an oath or by a provision of law; or
 - (iv) fabricating false evidence for submission; or
 - (v) suppression or destruction of an evidence to prevent its production; or
 - (vi) bringing a false charge, or instituting or cause to be instituted false proceedings against a person; or
 - (vii) acting in violation of any law in any other manner not specifically covered above.

Rights of
Wrongful
convicts.**3.** Every person wrongfully convicted shall have the right to:—

- (a) work and earn livelihood, and being welcomed back in the society absolved from all prior accusations;
- (b) claim damages and compensation from the State and dignity of those wrongfully incarcerated shall be restored;
- (c) be treated as not having been arrested or convicted of the crime;
- (d) equal opportunities of employment and remuneration without discrimination based on any other criteria that may be deemed discriminatory by the court of law;
- (e) vocational training opportunities and education;
- (f) claim other non-pecuniary relief from the State such as counseling, therapy, medical support, educational services and Government employment; and
- (g) file a petition with the Board for an order declaring the person to be actually innocent and eligible to receive an order of compensation.

Compensation
for wrongful
conviction.**4. (1)** An application seeking compensation for a wrongful conviction may be made:—

- (a) by the accused person who has sustained the injury; or
- (b) by any agent duly authorised by the accused person, who has sustained the injury; or

(c) where the accused person dies either before or after the termination of the wrongful prosecution, by all or any of the heirs or the legal representatives of the deceased:

Provided that where all the heirs or the legal representatives of the deceased have not joined in any such application for compensation, the application shall be deemed to have been made on behalf of and for the benefit of all the heirs and the legal representatives of the deceased;

(d) if a person convicted by a final decision for a criminal offence suffers punishment because of that conviction and has been granted judicial relief by the court of competent jurisdiction and the conviction is reversed or he is pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice and no more criminal proceeding is pending or may be brought against the individual.

(e) if person was sentenced to incarceration for a term of imprisonment and as a result of the wrongful conviction has served not less than seven years of prison sentence;

(f) if person imprisoned solely on the basis of the conviction for the offence and that specific conviction has been subsequently reversed and is proven to be factually innocent of the crimes charged or any lesser offence of the crime so charged or any other crime directly related to the charged offence.

(2) Any order to expunge or seal charges so entered by the Board shall provide that in any employment application, the claimant may answer no record as to any charges so expunged or sealed in response to an inquiry regarding prior arrests, court appearances or criminal convictions.

(3) The charges and convictions expunged shall not be used against the claimant to disqualify him in any examination, appointment or application for public employment nor shall such charges and convictions be used against the claimant in any other court proceedings or hearings before any court.

(4) Every application shall be filed, at the option of the applicant, either with the Board or Special Courts constituted by the Board through delegated legislation having jurisdiction over the area in which the wrongful prosecution occurred or to the Special Court within the local limits of whose jurisdiction the applicant resides, in such form containing such particulars as may be prescribed.

(5) A claimant shall not be compensated for any part of the sentence if he:—

(a) had been served sentence for a concurrent crime; or

(b) by his own conduct cause or bring about his conviction.

*Explanation.—*For the purpose of this section,—

(a) "injury" means any harm caused to body, mind, reputation or property of any accused harm is an actual or as a probable result of the wrongful prosecution;

(b) "compensation" includes pecuniary or non-pecuniary compensation or both;

(c) "non-pecuniary compensation" includes counseling services, mental health services, vocational or employment skills development and such other services.

5. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established, for the purposes of this Act, a Board to be called the Board for Wrongful Convictions for carrying out the purposes of this Act.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immovable, and to contract and shall by the said name, sue or be sued.

(3) The Board shall consist of,—

(a) a Chairperson, who has been a judge of a High Court;

(b) six other members to be appointed by the Central Government in consultation with the Chairperson having ability, integrity and standing special knowledge and professional experience of not less than ten years of litigation experience in the field of human rights:

Provided that Chairperson shall be appointed in consultation with the Chief Justice of India.

(4) The Central Government shall appoint such administrative, technical, and other staff to the Board as it may consider necessary for effective implementation of the provisions of this Act.

(5) The salary and allowances payable to the member, officers and staff of the Board shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or members shall be varied to his disadvantage after his appointment.

(6) The Central Government shall at the time of appointing the Chairperson or member, satisfy itself that such person does not and may not have any financial or other interest as is likely to affect prejudicially his functions as such Chairperson or member.

6. The Chairperson or member shall hold office for a term of seven years from the date on which he enters his office and shall be eligible for reappointment for a further term of five years:

Provided that no person shall hold office after he has attained the age of seventy years.

7. (1) The Central Government may remove from office a Chairperson or Member, who—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted for an offence which is in the opinion of the Central Government involves moral turpitude; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the functions of his office; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson or member may—

(a) by notice in writing under his hand and addressed to the concerned authority of the Central Government, resign from his office at any time;

(b) be removed from office in accordance with the provisions of his section.

(3) Any vacancy caused by the resignation or removal of the Chairperson or member shall be filled by fresh appointment.

(4) In the event of a vacancy in the post of the Chairperson, one of the members, as the Central Government may by notification authorize in this behalf, shall act as the Chairperson

Terms of office.

Removal and resignation from office.

till such date on which a new Chairperson, appointed in accordance with the provisions of this Act, enters office.

8. The Board shall, while deciding the amount of compensation, taken into consideration the following financial and other factors, namely:—

- (a) seriousness of the offence; severity of the punishment; the length of incarceration;
- (b) loss or damage to health;
- (c) loss of income or earnings;
- (d) loss or damage to property;
- (e) legal fees and other consequential expenses resulting from the wrongful prosecution;
- (f) loss of family life;
- (g) loss of opportunities of education, possibilities of livelihood, future earning abilities and skills;
- (h) stigmatization harm to reputation or similar damage;
- (i) psychological and emotional harm caused to accused and his family; and
- (j) such other factors which the Board considers necessary as regards the claim in furtherance of justice.

9. The Board shall,—

- (a) determine applications to grant compensation for claimants, in accordance with the provisions of this Act;
- (b) decide the claim for wrongful conviction made by the claimant to if within a period of two years after judgement of acquittal or discharge given or after pardon granted or after release from imprisonment;
- (c) on receipt of an application for compensation made under sub-section (1) of section 4, the Board shall, after giving notice of the application to the Central Government or as the case may be to the concerned State Government, and after giving an opportunity of being heard to all the parties, hold an inquiry into the claim or, as the case may be, into each of the claims and, may make an award determining the just and reasonable compensation, specifying the person or persons to whom it shall be paid, and shall also specify the amount which shall be paid by the Central or the State Government concerned, as the case may be, and may also direct the Central or the State Government concerned to proceed against the erring official in accordance with law;
- (d) arrange to deliver copies of the award to the parties concerned, free of cost, within fifteen days from the date of the award;
- (e) fairly and reasonably compensate the claimants on case to case basis ascertaining the loss of income, opportunity, amount spent on legal fees, extent of false accusations and stigma caused;
- (f) upon presentation of the claim, respond within sixty days and fix a time and hearing for the claim;
- (g) after due investigation calculate the compensation for the claimant within thirty days of presentation of the claim or use reasonable diligence in setting the date for the hearing and attempt to set the date for the hearing at the earliest convenient for the parties and the Board;

Factors to be considered for the amount of compensation.

Functions of the Board.

(h) in case it allows a claim for compensation made under this may direct that in addition to the amount of compensation interest shall also be paid at the rate of six per cent. per annum and from such date not earlier than the date of making the claim as it may specify in the award;

(i) deny a request for compensation if the claimant does not prove the fact that he had not, by any act or omission on his or her part, intentionally contribute to the bringing about of his or her arrest or conviction for the crime with which he was charged;

(j) in the interests of doing substantial justice, exercise its lawful discretion regarding the weight and admissibility of evidence, by giving due consideration to any difficulties of proof caused by the passage of time, the death or unavailability of witnesses or other factors not caused by the claimant; and

(k) undertake such other functions as may be assigned to it, from time to time.

Order of expungement.

10. (1) The Board shall award the expungement order regardless of whether the claimant has prior criminal convictions on being issued the certificate of innocence under sub-section (2), the claimant shall be treated as not having been arrested or convicted of the crime.

(2) The Board shall issue a certificate of innocence to the claimant while awarding an expungement order containing:—

(a) claimant's full name at the time of arrest and conviction, if different than the claimant's current name, his claimant's sex, race and date of birth;

(b) crime for which the claimant was arrested and convicted;

(c) date of the claimant's arrest and date of the claimant's conviction; and

(d) identity of the convicting court.

(3) The Board may deny a claim if it finds by a preponderance of the evidence that a claimant pled guilty with the specific intent to protect another from prosecution for the underlying conviction for which the claimant is seeking compensation.

(4) The Board may, for the purposes of award of expungement order, consult agencies, non-Governmental organizations or experts for the purposes of this Act.

Power to issue directions.

11. The Board shall undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under this Act.

Chairperson, member and staff to be a public servant.

12. The Chairperson, members and other staff of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Power of special court.

13. (1) For holding an inquiry by the Board, the Special Court established under sub-section (4) of section 5, may, subject to any rules that may be made in this behalf, follow such summary procedures as it thinks fit.

(2) The Special Court, while adjudicating a claim under this Act, shall have the same powers as are vested in a civil court under Code of Civil Procedure, 1908.

5 of 1908.

Central Government to provide funds.

14. The Central Government, shall after due appropriation made by Parliament, by law in this behalf, pay to the Board, by way of grants, such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Expenditure by the Board.

15. The Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants.

16. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

Maintenance of Accounts.

(2) The Accounts of the Board shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Board under this Act, shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General generally has in connection with the audit of Central Government accounts provided further that the Comptroller and Auditor-General shall, in particular, have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Appellate Board.

(4) The accounts of the Board, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Board.

(5) The Central Government shall cause the audit report forwarded under sub-section (4) to be laid before each House of Parliament as soon as may be after it is received.

17. (1) The Board shall prepare, once in every year, in such form and at such time as may be prescribed, an annual report giving a full account of its activities during the previous year, copies of which shall be forwarded to the Central Government.

Annual Report.

(2) A copy of the report received shall be laid, as soon as may be after it is received, before each House of Parliament.

18. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act .

19. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

20. (1) The Central Government may, by notification published in the Official Gazette make rules to carry out the provisions of this Chapter;

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

The State's responsibility for wrongful convictions and victims acquitted after years of being incarcerated has not yet been crystallized. There are thousands of people who spend years sentenced for crimes they were unjustifiably held guilty for and even after being released; it remains a challenge for them to be accepted in the society they are ostracized from. Article 14(6) of the ICCPR read with the General Comment 32 of the United Nations Human Rights Committee dealing with miscarriage of justice, requires that the victims of proven cases of such miscarriage to be compensated "according to law". These provisions collectively create an obligation on the State parties to enact a legislation ensuring that the said victims are compensated, and such compensation is made within a "reasonable period of time". State has to assume statutory responsibility for such miscarriage of justice. India has ratified to the ICCPR in 1968, however a legislation laying down the law for compensation of the victims remains long overdue. Miscarriage of justice is a grave violation of the right to life and personal liberty. There have been landmark cases in the past of *Rudal Shah vs State of Bihar* and *Nilabati vs State of Orissa*, etc. where the Supreme Court has recognized the remedy of recovering appropriate damages from the State as one of the telling ways in which the violation of fundamental rights can be prevented.

Article 21 protects life and personal liberty and by virtue of judicial pronouncements, deprivation of the life and personal liberty invokes the aforesaid public law remedy of compensation, but there is no explicit provision in the Constitution of India for the grant of compensation by the State for the infringement of right to life and personal liberty.

However the amount and payment of compensation remains rather arbitrary and lacks transparency. The need is to determine the amount of compensation while also making the right to compensation for such victim or claimant a statutory right. The endemic and sensitive nature of the issue and the glaring inadequacies of the available remedies, there is a pressing need for an explicit law for compensating the victims who have suffered miscarriage of justice—laying down State's statutory obligation to recompense these victims of wrongful prosecution, and a dedicated judicial mechanism to give effect to the same.

The Bill, therefore, seeks to establish a Board for adjudicating upon the claims of compensation for wrongful prosecution and lays down procedures to establish both pecuniary and non-pecuniary compensation ascertaining the loss of income, opportunity, amount sent on legal fees and stigma caused because of the proceedings to be awarded to the claimant along with a compensation interest of six percent. It also gives the victim an order of expungement and awards him/her with a certificate of innocence which will further absolve him from any prior criminal record. It further ascertains the right of the exoneree to be treated as not having been arrested or convicted while ensuring equal opportunities of employment and remuneration without being discriminated.

Hence this Bill.

NEW DELHI;
November 27, 2018.

KIRIT PREMJIBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of Special Courts for the inquiry of the wrongful convictions. Clause 5 provides for the establishment of a Board for wrongful convictions for carrying out the purposes of this Act. Clause 14 provides for the Central Government to provide adequate Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It is estimated that a recurring expenditure of about rupees fifty crore per annum will be involved out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

BILL NO. 15 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2019.

Insertion of
new article
85A.

2. After article 85 of the Constitution, the following article shall be inserted, namely:—

Minimum
number of
days in a year
for sessions of
Parliament,
etc.

“85A. Notwithstanding anything contained in article 85,—

(i) each House of Parliament shall compulsorily sit for not less than one hundred days in a year;

(ii) there shall be four sessions including a special session of Parliament;
and

(iii) the number of hours unutilized due to disruptions shall be compensated by extending each session by as many hours as the sittings were adjourned due to disruptions:

Provided that the special session of Parliament shall be for a minimum of fifteen days and shall only be devoted to deliberations of at least two urgent matters of public importance to be decided by all political parties and no other business including Government legislative business shall be transacted in that session.

Explanation.—A productive day in Parliament shall be of at least seven hours and for calculating the number of days for which the session has to be extended, the number of adjourned hours shall be converted into number of productive days, after adjusting the hours when the House transacted business beyond seven hours.”.

STATEMENT OF OBJECTS AND REASONS

Since the inception of Parliament of India in 1952, Parliament used to devote one hundred to one hundred and twenty days of a year to sit in sessions. This trend, however, witnessed a decline over decades, bringing down this number to seventy to eighty days in a year. Over the years, disruptions in the smooth functioning of the Parliament sessions have become a rather common feature in the Indian democracy. This causes grave monetary loss, wastage of time and most importantly, delay in the decision-making on vital issues of public importance by hasty passing of laws without sufficient deliberation. Various issues which resonate strongly within the society are not paid enough attention, get overlooked, or are not adequately discussed. Due to these reasons, productivity of Parliament is on a decline and the people of the country are gradually losing faith in the relevance of this supreme law-making institution.

More time should be allotted for debate and discussion on important subjects so as to arrive at solutions and increase productivity of the Parliament. There is no rule to dictate the minimum number of days the Parliament should mandatorily be in sessions.

In India, as a practice, usually the Government overshadows the selection of the topics of discussion in Parliament. To avoid logjams in the smooth functioning of Parliament and to prevent washout of sessions, it is crucial that the opposition also gets equal and adequate voice in Parliament. Therefore, opposition parties should also have an adequate say in deciding the agenda of Parliament so as to increase accountability of the Government.

In the light of the above, the Bill, therefore, seeks to insert new article 85A in the Constitution with a view to—

(i) each House of Parliament shall compulsorily sit for not less than one hundred days in a year;

(ii) there shall be four sessions including a special session of Parliament; and

(iii) the number of hours unutilized due to disruptions shall be compensated by extending each session by as many hours as the sittings were adjourned due to disruptions.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 27, 2018.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that each House of Parliament shall compulsorily sit for not less than one hundred days in a year. It also provides that there shall be four sessions including a special session of Parliament and that the number of hours unutilized due to disruptions shall be compensated by extending each session by as many hours as the sittings were adjourned due to disruptions. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is, estimated that a recurring expenditure of about rupees one hundred and twenty crores per annum would be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to involve.

BILL No. 18 OF 2019

A Bill further to amend the Forest Conservation Act, 1980.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Forest Conservation (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), for clause (iv), the following clause shall be substituted, namely:—

"(iv) that any forest land or any portion thereof may be cleared of trees, plants, saplings or shrubs which have either grown naturally or sown or planted by sentient human beings by way of any public drive or private initiative, as the case may be, in that land or portion, for the purpose of using it for reafforestation.". 69 of 1980.

3. In section 3A of the principal Act, for the words "simple imprisonment for a period which may extend to fifteen days", the words "imprisonment for a term which shall not be less than six months but which may extend upto five years and with five years and with fine which shall not be less than rupees five thousand but which may extend upto rupees five lakh" shall be substituted.

Amendment
of section 3.

STATEMENT OF OBJECTS AND REASONS

India has eighteen per cent. of the world population inhabiting it; in just two per cent. of the world's land surface area. We are the second most populous, youngest and fastest growing developing economy in the world. With increased urbanization and a rapid push than ever before towards infrastructural and industrial development, it does not have (neither did it have ever) a lot of scope for forestation. No doubt, that despite having a central Forest (Conservation) Act, 1980, it has not been able to expand its green cover in pace with its increasing population. Although we have observed a marginal rise of 0.21 per cent. in the area under forest between 2015 and 2017, (according to the biennial India State of Forest Report-SFR 2017) we are still far behind getting India to have thirty three per cent. of its surface area under forest cover. It has been a long standing goal since 1988, three decades for now. the world is becoming a carbon-envelope with the passage of time and India is no exception to it. Out of top twenty most polluted cities in the world, fourteen are in India. It is an alarming trend and the need of focusing on planting more trees at a war level is the only solution we have at present. A humongous task lies ahead and it is not possible only with natural causes. This means the Union or the State Government's responsibility not only ends with conservation but also plantation. Human and scientific intervention is a must and like any other aspect of development, man-made forestation should also be considered at the Central level. Although there are various campaigns and drives already existent and the Government at various levels have been successful in implementation of these drives also. However such drives cannot be completed only with plantation. The planted herbage needs to be preserved as well. Since it wasn't on the priority of the Government like other areas of development ever before, Central laws were liberal enough to a greater extent for the offenders to get away with. Hence, the need is to induce the idea of man-made forest in the parent Act and bring accountability and increase penalty and liability of/to the offenders.

The Bill seeks to achieve the above objectives.

NEW DELHI;

SHRIKANTE SHINDE

November 29, 2018.

BILL No. 17 OF 2019

A Bill to establish a Commission for ensuring inclusive and equitable distribution of benefits of reservation to Scheduled Tribes.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Commission for Equitable Distribution of Benefits of Reservation to Scheduled Tribes Act, 2019.

Short title,
extent and
commencement.

(2) It extends to whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the Commission for Equitable Distribution of Benefits of Reservation to Scheduled Tribes established under section 3;

(b) "Particularly Vulnerable Tribal Groups" means tribal groups categorised as 'Particularly Vulnerable Tribal Groups' by the Central Government; and

(c) "prescribed" means prescribed by rules made under this Act.

Constitution of the Commission.

3. (1) The Central Government shall, as soon as may be, but not later than two months from the commencement of this Act, by notification in the Official Gazette, constitute a Commission to be known as the Commission for Equitable Distribution of Benefits of Reservation to Scheduled Tribes.

(2) The Commission shall consist of—

(a) a Chairperson, who shall be a retired Chief Justice of a High Court, to be nominated by the Central Government in such manner as may be prescribed;

(b) Chairperson, National Commission for Scheduled Tribes, as *ex-officio* Vice-Chairperson;

(c) Director, Anthropological Survey of India, as *ex-officio* member;

(d) Registrar General and Census Commissioner of India, as *ex-officio* member;

(e) seven members representing Scheduled Tribes from the States of Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Gujarat, Jharkhand and Chhattisgarh, to be nominated by the respective State Governments;

(f) four members representing Scheduled Tribes from eight North-Eastern States and five Southern States, to be nominated by the Central Government in such manner as may be prescribed; and

(g) two members representing Particularly Vulnerable Tribal Groups, to be nominated by the Central Government in such manner as may be prescribed.

(3) The Central Government may appoint such number of Officers and staff to the Commission as may be required for its efficient functioning.

(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and other members, officer and staff of the Commission shall be such as may be prescribed.

Functions of the Commission.

4. The Commission shall,—

(a) examine the extent of inequitable distribution of benefits of reservation to the persons belonging to the Scheduled Tribes in admissions to educational institutions and employment under the Central Government; and

(b) recommend measures to be taken by the Central Government to ensure that the benefits of reservation reach equitably to all persons belonging to the Scheduled Tribes in different States, so as to achieve greater social justice and inclusion.

Report.

5. (1) The Commission shall, as soon as possible, but not later than six months from the date of its constitution, prepare and submit a report to the Central Government in such manner as may be prescribed.

(2) The Central Government shall, after considering the report, cause to be laid an action taken report on the recommendations of the Commission before each House of the Parliament.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central
Government
to provide
adequate fund.

7. The Provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.

Act not in
derogation of
other law.

8. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule under this Act shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the sessions or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Reservation to Scheduled Tribes (STs) in educational institutions has been provided through article 15(5) while reservation in posts and services under the State has been provided through article 16(4) of the Constitution. In Central Government funded higher education institutions and in public employment under the Central Government, 7.5 per cent. of seats and vacancies are reserved in favour of persons belonging to the Scheduled Tribes.

However, this policy wrongly assumes the entire Scheduled Tribes population as a homogenous group. In reality, different Scheduled Tribes communities across different States vary significantly in terms of social, educational and financial status. As a result, a few but relatively advanced Scheduled Tribes communities are cornering the lion's share of the reservation benefits, to the detriment of the interests of the overwhelming majority of Scheduled Tribes who are really impoverished. Hence, there exists a high level of inequity in the distribution of reservation benefits across different Scheduled Tribes communities from different States.

For instance, one single Scheduled Tribes community from Rajasthan (Meena/Mina) accounts for only around 4 per cent. of the total Scheduled Tribes population of India. Yet, they grab more than 73 per cent. and 35 per cent. of the seats/vacancies reserved for STs in Engineering Services Examination (ESE) and Civil Services Examination (CSE), respectively. In contrast, Scheduled Tribes from Odisha get negligible seats, even when Odisha has greater tribal population than Rajasthan as per data obtained from credible online sources like CSE Candidates' Information, Central Press Information Bureau and UPSC website for ESE and CSE exams of last three years.

Scenario for Particularly Vulnerable Tribal Groups (PVTGs) is even worse.

Urgent need of the hour is to rationalize the Reservation Policy for Scheduled Tribes to achieve greater social justice and inclusion for all Scheduled Tribes. The Central Government should devise a system so that the benefits of reservation equitably reach to different tribes across different States. As a first step, a Commission should be constituted to examine in detail the extent of inequitable distribution of benefits of reservation among the Scheduled Tribes and to recommend policy measures to address this issue.

The Commission may suggest capping of reservation quota which a State or a Scheduled Tribe can avail, or sub-categorization of Scheduled Tribes, or any other measure.

Hence, this Bill.

NEW DELHI;
December 4, 2018.

PRABHAS KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Commission for Equitable Distribution of Benefits of Reservation to Scheduled Tribes. It also provides for appointment of Chairperson, members and other Officers and staff to the Commission. Clause 6 provides for the Central Government to provide adequate funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about one thousand crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 20 OF 2019

A Bill to provide for the establishment of a permanent Bench of the High Court of Orissa at Bargarh.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Orissa (Establishment of a Permanent Bench at Bargarh) Act, 2019.

Establishment
of a permanent
Bench of High
Court of Orissa
at Bargarh.

2. There shall be established a permanent Bench of the High Court of Orissa at Bargarh and such Judges of the High Court of Orissa, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bargarh in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bargarh, Jharsuguda, Balangir, Boudh, Deogarh, Kalahandi, Kandhamal, Nuapada, Sambalpur, Subarnapur and Sundargarh.

STATEMENT OF OBJECTS AND REASONS

The High Court of Orissa is located at Cuttack in Odisha. The judiciary is an important pillar on which the Indian democracy rests. When a person faces any type of injustice, judiciary is often his last resort. But even in Judiciary, in view of the large number of pending cases, there is not much scope for speedy justice. If Justice is delayed then it amounts for denial of justice. Keeping in view the geographical location of the State of Odisha, people living in Western Odisha region face a lot of obstacles and inconveniences to travel a long distance to reach the High Court at Cuttack to get justice. This is not only time consuming but also expensive for citizens belonging to weaker sections of society.

There has been a long pending demand from the people of Western Odisha that a Bench of High Court should be established in Western Odisha region which will provide much needed relief to the litigants who are not in a position to bear the burden of expenditure on account of travelling and lodging to attend hearing of their cases at the High Court in Cuttack.

Therefore, establishment of a permanent Bench of High Court of Orissa at Bargarh in the Western part of Odisha would greatly help in quick disposal of pending cases and delivery of justice to the poor residing in Western Odisha.

Hence this Bill.

NEW DELHI;
December 5, 2018.

PRABHAS KUMAR SINGH

BILL No. 25 OF 2019

A Bill to provide for complete freedom to earn livelihood to the cycle rickshaw and cart pullers and roadside mechanics by prohibiting the local police and personnel of local bodies from impounding or taking away the tools, wares, stuff, cycle rickshaw, cart, etc., so as to enable the poverty stricken and unemployed youth and other citizens to earn their livelihood without fear and feed their dependent families and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Rickshaw Pullers and Roadside Mechanics (Freedom to Earn Livelihood) Act, 2019.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "rickshaw puller" means a person who physically pulls a cycle rickshaw of any kind which includes a hand cart in order to earn his livelihood; and

(d) "roadside mechanic" includes persons repairing bicycle, cycle rickshaw, scooter, motor cycle and other motorized vehicles or those repairing footwear, utensils and other wares by the roadside or under a tree without erecting any permanent structure at the site.

3. Notwithstanding anything contained in any other law for the time being in force every rickshaw puller and roadside mechanic shall have complete freedom to earn his livelihood without any hindrance or interference from any authority of the Government including those of Police and local self-Government.

Freedom to earn livelihood.

4. Notwithstanding anything contained in any other law for the time being in force, no officer or employee of any authority of local self-Government such as Municipalities, Municipal Corporations, Municipal Councils or by whatever name known shall impound the articles, tools, bicycle, rickshaw, carts of a rickshaw puller or roadside mechanic.

Local Self Government authorities and Police Personnel not to confiscate or impound the articles, wares, etc.

5. For earning hassle free livelihood under the provisions of this Act, a rickshaw puller or roadside mechanic shall not,—

Conditions to be followed for earning livelihood.

(a) obstruct the public place such as roads, footpath, parks and such other places declared as public places by the appropriate Government; and

(b) obstruct the flow of traffic or vehicles and pedestrians.

6. It shall be duty of the appropriate Government to ensure strict compliance of the provisions of this Act to ensure freedom to earn livelihood to every rickshaw puller and roadside mechanic within its territorial jurisdiction in such manner as may be prescribed.

Appropriate Government to ensure compliance.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to have overriding effect.

8. The Central Government may give directions to the Government of any State for implementing the provisions of this Act in the State.

Power to give directions.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the

successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

After the population explosion, the worst problem our country is facing today is ever growing unemployment scenario. The number of unemployed is growing menacingly. Government services have become scarce due to trimming of Government Departments. Public Sector Undertakings are resorting to Voluntary Retirement Schemes and moreover they are being disinvested for ultimate privatisation hence there are no jobs in the Public Sector Undertakings. Agriculture which used to be biggest employment provider is also undergoing slump because of unremunerative price structure and fall in prices of commodities. The Private Sector is relying more and more on computers. Thus the employment generation is not commensurate with the growing population.

Self-employment seems to be the only way to tackle unemployment but it requires finance and every one can not afford to have that. Some citizens try to earn their livelihood through rickshaw pulling or by hawking or vending articles or repairing motor vehicles, cycles, footwear etc. by the roadside but most of them are hounded by local police and Municipal employees. They have to grease the palms of the police and Municipal employees or their articles and other things are taken away and impounded. Thus they remain under threat and can not earn their livelihood with freedom. When State can not provide employment to these poor people they should not be denied their right to earn livelihood. So it is felt that there should be complete freedom for these poor people to earn their livelihood and there should be no interference from police or local authorities in their vocation.

The Hon'ble Supreme Court had issued orders in 1985 to prepare instructions for hawkers, pavement dwellers, etc. and even under the tenure of Hon'ble Prime Minister Late Shri Atal Bihari Vajpayee, many positive steps were taken regarding this in Parliament.

In response to the directions issued by the Supreme Court, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 was enacted to protect the rights of urban street vendors. However, the concerns of rickshaw pullers and roadside mechanics has not yet been addressed. The need is, therefore, to provide for complete freedom to the rickshaw pullers and roadside mechanics to earn their livelihood.

Hence this Bill.

NEW DELHI;
December 17, 2018.

GOPAL CHINAYYA SHETTY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 16 OF 2019

A Bill to provide for the prevention of exploitation and abuse including sexual abuse of children of parents living on pavements of Urban areas and of sex workers languishing in red light areas and for welfare measures to be undertaken by the State for such children by establishing special care homes for them and making provisions for free education, including vocational education and employment and other amenities and for matters connected therewith, or incidental thereto.

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Children of Pavement Dwellers and Sex Workers (Prevention of Abuse and Welfare Measures) Act, 2019.

Short title and extent.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the Context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases the Central Government;

(b) "child" means a boy or girl who has not attained the age of fifteen years;

(c) "pavement dweller" means person living on the pavement of road, street or in the open space;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "sex worker" shall have the same meaning assigned to the term "prostitute" under the Immoral Traffic (Prevention) Act, 1956; and

(f) "Special Care Homes" means an institution established or certified as such by the appropriate Government under section 4.

104 of 1956.

Appropriate Government to take custody of children born of pavement dwellers and sex workers.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall take custody of every child born of or accompanying a pavement dweller or a sex worker, as the case may be, in such manner as may be prescribed.

(2) Every child taken custody of under sub-section (1) shall be admitted to Special Care Homes, established under section 4, in such manner as may be prescribed.

Establishment of Special Care Homes.

4. (1) The appropriate Government shall establish and maintain such number of Special Care Homes as may be necessary for the purposes of this Act:

Provided that where the appropriate Government is satisfied that any Institution run by any Non-Governmental Organisation (NGO) is capable for the reception of the children under this Act, it may recognise such an institution as Special Care Home for the purposes of this Act.

(2) Every Special Care Home or an institution recognised as such, as the case may be, shall provide every child with free accommodation, boarding, lodging, meals, dresses and other necessities for his maintenance and facilities for education, vocational training, rehabilitation, and all facilities for the development of his character and career in such manner as may be prescribed to ensure his all-round growth and development.

Standards for Non-Governmental institutions.

5. (1) The appropriate Government may, by rules made under this Act, provide for the conditions for granting of recognition to the institutions or NGO's including the standards and nature of services to be maintained by such institutions and the circumstances under which and the manner in which the recognition of institution of NGO's may be withdrawn.

(2) The rules made under sub-section (1) may also provide for criteria for classification and separation of children on the basis of sex, age and other requirements of such children.

Grants-in-aid.

6. The appropriate Government shall provide adequate grants-in-aid to the institutions or NGO recognised under this Act.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by law by Parliament by law in this behalf, provide adequate funds to the State Governments for the implementation of this Act.

Penalty for cruelty to children.

8. Notwithstanding anything contained in any other law for the time being in force, whoever having charge of or control over a child governed by the provisions of this Act assaults, abandons, exposes or wilfully neglects the child in a manner likely to cause such child unnecessary mental or physical suffering shall be punishable with imprisonment which shall not be less than two years but which may extend to five years and also with fine which may extend to fifty thousand rupees.

45 of 1860.

9. Notwithstanding anything contained in the Indian Penal Code, whoever sexually abuses any child, governed by the provisions of this Act, shall be punished with death.

Penalty for sexual abuse of children.

10. Whoever forces any child, governed by the provisions of this Act, to beg shall be punishable with imprisonment which shall not be less than two years but may extend to five years and also with fine which may extend to fifty thousand rupees.

Penalty for forcing child to beg.

11. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, under such name as it may think fit for the welfare and rehabilitation of children under this Act and provide initial fund of rupees two hundred crores after due appropriation made by Parliament by Law in this behalf and thereafter the Central and State Government shall contribute to the Fund in such proportion and in such manner as may be prescribed.

Constitution of a Welfare Fund.

(2) There shall be credited to the Fund such voluntary donations, contributions or subscriptions as may be made by any individual or organisation.

12. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Over-riding effect of the Act.

13. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is said that prostitution is the oldest profession in the world and this profession is going on consistently throughout the world even today despite being declared as illegal in many parts of the world. In our country also there are lakhs of sex workers in the flesh trade and despite their best efforts not to conceive, thousands of unfortunate children are born to these sex workers who are forced by circumstances to live in the inhuman surroundings and atmosphere of brothels. Here the boy ultimately becomes a pimp and the hapless girl a sex worker and that is the destiny of these innocent and unfortunate children.

Similarly many people due to acute unemployment and abject poverty are forced to live on pavements and sustain on begging, ragpicking and even stealing, cheating etc. Children are born on these pavements and become part and parcel of the vicious circle of the pavement. They too ultimately become beggars, ragpickers, pickpockets and other anti-social elements.

These children too, like other children are the future citizens of our country and it is our duty to make them good citizens. Ours being a welfare State, the Central and State Governments have to ensure that these children grow in good atmosphere and their future becomes safe. They are not exploited and they do not become the victims of lust. The Government must take care of them, open special care homes for them and provide all requisite facilities for their proper growth and advancement in life.

Hence this Bill.

NEW DELHI;
December 17, 2018.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Special Care Homes. Clause 7 prescribes that Central Government will provide funds to the States. Clause 11 provides for the constitution of a Welfare Fund for the welfare and rehabilitation of Children. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three hundred crores will involve as recurring expenditure per annum.

A non-recurring expenditure to construct Special Care Homes in the country sum of rupees six hundred crores may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 empowers the appropriate Government to make rules for governing the NGO institutions. Clause 14 empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of Legislative Power is of normal character.

BILL NO. 21 OF 2019

A Bill to provide for the establishment of a National Commission for Female Farmers in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Commission for Female Farmers Act, 2019.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "National Commission" means the National Commission for Female Farmers established under section 3;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "female farmer" means, irrespective of the marital status or ownership of land, any woman who undertakes cultivation in her own land or land owned by her husband or a family member or land owned by any other person on sharing basis or on lease.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Commission for Female Farmers to improve the condition of women farmers in the country.

Establishment of a National Commission for Women Farmers Welfare and Development.

(2) The Commission shall consist of—

(a) a Chairperson;

(b) a Deputy Chairperson; and

(c) three members,

to be appointed by the Central Government from amongst the persons committed to the cause of welfare of women and having experience in the field of women's rights, farmers rights, law or management.

(3) The Central Government may appoint such number of officers and staff including experts to the Commission as may be required for its efficient functioning.

(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, Deputy Chairperson, members, officers, staff and experts of the Commission shall be such as may be prescribed.

(5) The National Commission shall have the power to regulate its own procedure.

4. (1) It shall be the duty of the National Commission to take such steps, as it may deem appropriate, for the welfare and development of female farmers.

Functions of the National Commission.

(2) Without prejudice to the generality of the foregoing provision, the National Commission shall ensure the following provisions for the benefit and welfare of female farmers, namely:—

(a) negotiating all cases related to the safeguards provided to female farmers and carry out the monitoring and improvement of such safeguards;

(b) safeguarding the rights of the female farmers over the land they cultivate;

(c) investigate complaints of the female farmers related to deprivation of their rights and safeguards;

(d) support the appropriate Government in the planning process of socio-economic development of female farmers;

(e) submit reports to the Central Government regarding the working of safeguard on an annual basis or at such intervals as it thinks fit; and

(f) undertake all other functions for the protection, welfare and development of female farmers, as specified by the Central Government.

5. (1) The Central Government shall cause to be laid before each Houses of Parliament all the reports submitted to it under clause (e) of sub-section (2) of section 4 alongwith a memorandum explaining the reasons for not accepting any of the recommendations made thereto.

Central Government to lay report.

(2) Where the report, or any of its part is related to any of the issue connected with the State Government, a copy of such report shall be forwarded to the Governor of that State, who shall, along with an explanatory memorandum explaining action taken or proposed to be taken on the recommendations related to the State, if any, and reasons for not accepting any of the recommendations, cause to be laid such report before the State Legislature.

Commission to have powers of Civil Court.

6. The National Commission shall, while investigating any matter referred to in clause (b) of sub-section (2) of section 4, have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commission for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

Appropriate Government to consult Commission.

7. The appropriate Government shall consult the National Commission on all policies affecting interests of the female farmers.

Central Government to provide adequate funds to the National Commission.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the National Commission for carrying out the purposes of this Act.

Power to remove difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Act to have overriding effect.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

More than fifty *per cent.* of the population of the country is involved in agriculture in some way or the other. Out of this population, almost seventy *per cent.* are female farmers. More women work on the fields than men, yet only thirteen *per cent.* of them own the land they cultivate. Without ownership over land, they have very little access to credit schemes meant to support farmers. Land rights for women are mediated through the various personal laws that are followed arbitrarily from State to State. Customary practices sometimes deny the women their right to own land even when it is permitted by law. Another issue women farmers face is the wage gap in the agricultural sector. They are often forced to be content with low paid agricultural jobs. Many schemes and special provisions exist for women farmers, inspite of which their socio-economic situations has not changed. In order to look into their specific needs and ensure their development, a better, empowered institutional mechanism is needed. There is a great need for the establishment of a National Commission for the Welfare of Female Farmers.

Hence this Bill.

NEW DELHI;
January 7, 2019.

R. DHRUVANARAYANA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of National Commission for Female Farmers. It also provides for appointment of a Chairperson, Deputy Chairperson, member, officers, staff and experts to the Commission. Clause 8 provides for the Central Government to provide adequate funds for the functioning of the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 19 OF 2019

A Bill further to amend the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(i) in sub-section (1)—

(a) for clauses (d) and (e) the following clauses shall be substituted, namely:—

(d) "hazardous cleaning" by an employee, in relation to sewer or septic tank means manually entering into a septic tank or sewer to manually clean it;

(e) "insanitary latrine" means a latrine which requires human excreta to be cleaned or otherwise handled manually, *in situ*, in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes; and

(b) For part (a) of Explanation to clause (g), the following part shall be substituted, namely—

(a) "engaged or employed" means being engaged or employed on a regular, contract, private, casual or daily wage basis or any other forms of employment;".

3. In section 5 of the principal Act, in sub-section (2), in the second proviso, for the words "may give assistance", the words "shall give assistance" shall be substituted.

4. In section 6 of the principal Act, in sub-section (2), for the words "and shall be assigned work other than manual scavenging", the words "and shall be assigned non-scavenging dignified work" shall be substituted.

5. In section 13 of the principal Act, in sub-section (1),

(i) in clause (a), after sub-clause (ii), the following shall be inserted, namely—

"(iii) a compensation, not less than rupees one lakh, in addition to cash assistance in sub-clause (ii), as one time cash payment on identification in the survey under section 12.".

(ii) for clause (b), the following shall be substituted, namely—

"(b) "all the children of the manual scavenger shall be entitled to free education from primary to higher education including professional, doctoral and post-doctoral for one generation.".

6. In section 20 of the principal Act, in sub-section (2), in clause (b), the words 'he has reasonable cause to believe', shall be omitted.

7. In section 23 of the Principal Act,

(i) for sub-section (2), and explanation thereunder the following sub-section and explanation shall be substituted, namely—

"(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company, the director, manager, secretary or other officer of the company, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "director" in relation to a firm, means a partner in the firm; and

(c) public officials to be held accountable for non-implementation of this Act, which shall be construed as dereliction of duty by the public official.".

Amendment of section 5.

Amendment of section 6.

Amendment of section 13.

Amendment of section 20.

Amendment of section 23.

8. In section 31 of the principal Act,—

Amendment
of section 31.

(i) In sub-section (1)—

(a) in clause (b), for the words "enquire into complaints", the words "investigate into complaints" shall be substituted; and

(b) after clause (d), the following clause shall be inserted, namely:—

"(e) to impose fine on a person, if found guilty, after investigation under clause (b), of contravening the provisions of this Act."

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) In the discharge of its functions under sub-section (1), the National Commission shall have the power to—

(a) call for information with respect to any matter specified in that sub-section from any Government or local or other authority; and

(b) summon and enforce the attendance of any person from any part of India and examine him on oath."

STATEMENT OF OBJECTS AND REASONS

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 was enacted to prohibit employment as manual scavengers and for rehabilitation of manual scavengers and their families. The Bill aims to correct the deficiencies in the principal Act and recognizes that manual scavenging in itself is a hazardous activity, even if done with or without protective gear. Protective gears given to scavengers are of poor quality and they have to manually clean sewers or septic tanks which is a violation of human dignity and fundamental rights as enshrined in the Constitution. This Bill also makes the State Government duly accountable and responsible to provide proper sanitation to people. People who are identified as manual scavengers under this Act, their children will be imparted free education from the primary to post-doctoral level for one generation, an extremely pertinent step required to undo the historical injustices they have been subjected to.

It recognizes not just contract workers but also people who work on daily wage basis or any other form of employment and perform such prohibited in law. The Bill makes liable every company, private or public official under the Central, State or local authority who employs any person as manual scavengers under the Act and make it a punishable offence. This step becomes essential for proper implementation of this law as it is widely known that the Government bodies employ and aid the casteist practice of manual scavenging. The National Commission for *Safai Karamcharis* is empowered to monitor and enquire into the complaints regarding the contravention of the provisions of this Act. But no one has been punished even if the accused is found guilty by the Commission due to inherent lacuna in the Act. It is, therefore, necessary that the National Commission for *Safai Karamcharis* be empowered to summon the accused, investigate into the complaints, and impose fine on the accused, if found guilty on completion of investigation in the matter.

Hence, this Bill.

NEW DELHI;

KIRIT PREMJIBHAI SOLANKI

January 17, 2019.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for compensation to be paid to manual scavengers. It also provides for providing free education to children of manual scavengers. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

BILL NO. 8 OF 2019

A Bill to constitute the National Board to explore possibilities and prepare blueprints for creation of small States; make recommendations thereto to the Central Government and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the National Board for Creation of Small States Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Board” means the National Board for Creation of Small States constituted under section 3; and

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Board for Creation of Small States.

Constitution of the National Board.

(2) The headquarter of the Board shall be at Mahoba in the State of Uttar Pradesh.

(3) The Board shall consists of—

(i) seven members to be nominated by the Central Government in such manner as may be prescribed;

(ii) two members each from the Lok Sabha and the Rajya Sabha, representing the States of Uttar Pradesh and Madhya Pradesh to be nominated by the Presiding Officers of the respective Houses; and

(iii) two persons, who have been associated with the movement or demand of small States for the last fifteen years, to be nominated by the Central Government in such manner as may be prescribed.

(4) The members of the Board shall elect one of the members from amongst themselves to act as the Chairperson of the Board.

(5) The term of the Board shall be three years:

Provided that the Central Government may, on the expiry of term of three years, extend the term of the Board till such time as it may deem necessary from time to time;

(6) The Board shall meet at least once in every two months.

(7) The Allowances payable to, and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.

(8) The Chairperson and members of the Board shall not be deemed to be holding the office of profit under any law for the time being in force.

4. The Board shall—

Functions of the Board.

(a) explore the possibilities of creation of small States in the country;

(b) prepare the blueprint of demands for small States and examine such demands in details and forward reports thereon to the Central Government;

(c) recommend the creation of small States to the Central Government; and

(d) recommend to the Central Government for inclusion of language, being spoken in small States to be created in the Eighth Schedule to the Constitution.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Board for carrying out the purposes of this Act.

Central Government to provide requisite funds.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

At the time of Independence there were big States which British Government had formed with the purpose of continuing the colonial rule. But several smaller States were formed after independence which have made economic progress and also strengthened their cultural identity. The State of Gujarat is one such example which has not only progressed economically but also established its cultural identity not only in India but also abroad after it came into existence on bifurcation of erstwhile Bombay Province. Likewise the States of Uttar Pradesh, Madhya Pradesh, Himachal Pradesh, Goa, Uttarakhand, Jharkhand, Andhra Pradesh and Telangana were also formed after independence and statistics show that they have made reasonable economic progress. But the demand for new States is still on and related movements also take place. The demand for a separate State of Bundelkhand is a pre-independence one. A conference was held in February, 1943 in Tikamgarh for Bundelkhand and such demands are still being raised. Overall development of region is the basis of demand for the Bundelkhand State. Bundelkhand region lagged behind in development during British rule and it has been divided between two States after independence. Bundelkhand region is possibly the only region which was divided between two States and still undeveloped. Therefore, it has not progressed like other States. But other States have not made economic progress but also preserved their cultural identity after attaining Statehood on different basis. Bundeli language has not even been included in the Eighth schedule to the Constitution and there has been a constant demand for its inclusion.

Therefore, there is an urgent need to constitute a Board to explore the possibilities, prepare blueprints and recommend to the Central Government for creation of smaller States including creation of Bundelkhand State to fulfill the long standing demand of people of this region and considering the public sentiments for overall development backward region in the country.

Hence this Bill.

NEW DELHI;
January 18, 2019.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of National Board for Creation of Small States. Clause 5 provides that the Central Government shall provide requisite funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 9 OF 2019

A Bill to amend the Prohibition of Child Marriage Act, 2006.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Prohibition of Child Marriage (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Section 11.

2. In section 11 of the Prohibition of Child Marriage Act, 2006, in sub-section (1), for the words "two years and shall also be liable to fine which may extend up to one lakh rupees", the words "ten years and shall also be liable to fine which may extend up to twenty-five lakh rupees" shall be substituted.

6 of 2007.

STATEMENT OF OBJECTS AND REASONS

In India, women and girl child are revered since ancient times. They are also worshiped as Goddess. Marriage in India is one of the sixteen *Sanskaras*. However, child marriage is a social evil, therefore, urgently needed to be checked. Even during freedom struggle, the eminent personalities of our country raised their voice against child marriage and it is because of their noble deeds that various Governments took measures to check it by formulating laws after independence. But there is further need to take stringent measures to check the child marriage taking place at present so that any sort of exploitation against girl child is stopped forthwith. With the help of this Bill, a tough message will be given to those who promote child marriage. This will eventually help prohibit child marriages more effectively.

Hence this Bill.

NEW DELHI;
January 18, 2019.

KUNWAR PUSHPENDRA SINGH CHANDEL

BILL No. 11 OF 2019

A Bill to amend the Right to Information Act, 2005.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Right to Information (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 19.

2. In section 19 of the Right to Information Act, 2005, after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) The second appeal under sub-section (3) shall be disposed of within fifty days of date of filing the appeal or within such extended period not exceeding a total of one hundred days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.".

STATEMENT OF OBJECTS AND REASONS

The Right to Information Act, 2005 is a milestone in the journey of instilling values of democracy in India. It empowers the people and creates a sense of responsibility for transparency among the citizens as well as the Government. It has been ensured through this Act that the information is provided within the prescribed time limit but there are no clear-cut guidelines to provide information by the Information Officer in case there is second appeal on account of the applicant being not satisfied with the information or other reason. It is a point that undermines the very objectives of this Act as a result of which a large number of appeals are pending before the Information Commission.

Through this Bill the likely slackness in the implementation of the Act will be removed. For this, the information sought through the second appeal in the Act can be made available within minimum fifty days and maximum hundred days so that any obstacle coming in the way of instilling high degree of transparency could be removed.

Hence this Bill.

NEW DELHI;
January 18, 2019.

KUNWAR PUSHPENDRA SINGH CHANDEL

SNEHLATA SHRIVASTAVA
Secretary General.